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## PROPERTIUS 2. 29. 38

apparent non ulla toro vestigia presso  
signa volutantes nec iacuisse duos.  
aspice, ut in toto nullus mihi corpore surgat  
spiritus admisso notus adulterio.

THE most recent commentator on this line, D. R. Shackleton Bailey (*Propertiana*, p. 124), states that '*spiritus* is breath rather than odour' and he has the support of some commentators, Marcilius, for example, who amends *notus* to *motus*, and Hertzberg, who takes it as *sweet* breath, citing Mart. 3. 65. 1. So also most translators (e.g. Phillimore—'Look, there is no such heavy breathing at all in me anywhere as is usual when guilty paramours have met'): an exception is D. Paganelli who translates 'aucun souffle, aucune odeur d'adultère'. However, the parallels cited by Shackleton Bailey are irrelevant to this situation: Afranius 243 (Ribbeck), Ach. Tat. 2. 37. 9, and Claud. *Carm. Min.* 29. 33 all refer to the period just before, during, or immediately after the sexual act (cf. Ov. *A. A.* 3. 803 *Quod iuvet, et voces et anhelitus arguat oris*). It is most unlikely that this is the case in Propertius' poem. Propertius has come to see if Cynthia has spent the night alone; it is not a question of catching her *in flagrante delicto*, but of finding some rival there or the evidence of his stay not yet removed (*v.* the opening line—*Mane erat*, l. 23). Cynthia is indignant at her lover's suspicions and lest he should think that his rival had left earlier, she coarsely specifies the evidence that Propertius might expect to find, including *spiritus admisso notus adulterio*. Assuming that Cynthia is in normal health, the heavy breathing (*anhelitus*) which Shackleton Bailey has in mind would not last long enough to be worth mentioning as evidence. Cynthia and Propertius are well aware of the facts of life (which explains *notus* perhaps, although *natus* seems to me preferable) and she must be referring to the unmistakable bodily odour, which would last much longer and like the *vestigia* (cp. Cic. *Verr.* 2. 3. 34. 79) and the *signa* (cf. Ov. *Rem. Am.* 432) of ll. 35–36 would be much harder to conceal. Parallels of greater relevance are therefore Prop. 2. 29. 17 (*afflabunt tibi non Arabum de gramine odores, / sed quos ipse suis fecit Amor manibus*—not perhaps as 'poetical' as it appears, if we consider Ov. *A. A.* 3. 804), Ov. *A. A.* 3. 808 (*aptius in vestro corpore multa latent*, where Ovid refers not to the olfactory, but to the visual aspects of a similar situation), and Mart. 4. 4. 4 and 6. 93. 3 (*ab amore recens hircus*). Hamlet's 'the rank sweat of an enseamed bed' and Lear's outburst (iv. vi. 127 ff.) are similarly relevant.

Furthermore it is difficult to see how the suggested meaning could be derived from the Latin. Breath, even when one is panting, does not rise *in toto corpore* but *ab imo pectore*. *In* is used here as it is used in Ov. *Pont.* 3. 1. 9 (*in arvis . . . eminere*) and elsewhere (*v. TLL.* vii. 1. 774. 27–33) of physical things which emerge from one or more points over a larger expanse. *Nullus spiritus* should thus mean, not the state of a necessary physical function, but some odour or exhalation which is absent: Cynthia is declaring that over the whole of her body there is no source or sources of odour which could betray her. There are no other uses of *spiritus* in Propertius to parallel this meaning, but the same is true of the meaning Shackleton Bailey suggests; in 1. 16. 32 (*surgat et invitis spiritus in*

*lacrimis*) the word means *suspirium*, not *anhelitus* or *lascivus flatus* (as in Claud. loc. cit.). For the meaning *exhalation* (of an odour) the following examples may be cited: Lucr. 3. 222 (*spiritus unguenti suavis*), Cels. 5. 26. 31 (*spiritus foedi odoris*), Petr. Bell. Civ. 69-70, Gell. 9. 4. 10 (*spiritu florum naribus hausto*), Pallad. in Aug. (*plerumque terra sulfur, alumen, bitumen educit, quorum spiritus mixti anhelitum pestis exhalant*), *ibid.* 1. 3 (*noxius caeli spiritus*).

There are certain connotations of *spiritus* (and πνεῦμα, cf. for example, Arist. *De Gen. An.* 728<sup>a</sup> and 736<sup>b</sup> *ad fin.*) which would make it here the more suggestive word for Propertius to choose. But the above parallels point to a use which would be clearly demarcated by the general nature of the evidence Cynthia is adducing. The elegists frequently rely on an expertise in the reader which is infrequently found in the commentators (cf. Hertzberg on *volutantes*); the misunderstanding of *spiritus* here does not seem to me to be due to what has been called *die Ungenauigkeit* of Propertius.

Lincoln College, Oxford

J. P. SULLIVAN

## DRAKON'S ΠΡΩΤΟΣ ΑΞΩΝ<sup>1</sup>

THE long-standing enigma of *I.G.* i<sup>2</sup>. 115 (=Tod, *G.H.I.* 87) has been brought into the lime-light once more by two recent articles, 'The Law Codes of Athens' by Sterling Dow in *Proc. Massachusetts Hist. Soc.*, vol. lxxi (1953-7, pub. 1959) and *Φόνος* by E. Ruschenbusch in *Historia*, ix, Heft 2 (1960).

This enigma has many facets, but I only wish to deal here with one. It concerns the precise nature and purpose of the inscription and, in particular, the significance of the words *πρῶτος ἀχσων* in l. 10. The preamble to the decree is quite specific. The *anagrapheis* are instructed to inscribe on a stele 'the law of Drakon about homicide' (*τὸν Δράκοντος νόμον τὸμ περὶ τοῦ φόνου*). They are to get the text from some public official or archive.<sup>2</sup> What they actually inscribe, so far as we can see, are the words *πρῶτος ἀχσων* (in rather larger letters than the rest of the inscription, but not placed centrally as a heading to the rest) and then a variety of rules beginning with those for unpremeditated homicide introduced with the particle *καί*. The puzzle, to which so far no satisfactory solution has been proposed, is what has become of the rules about *premeditated* homicide. We can surely rule out the theory that there was another *stèle* with the same preamble containing *these* rules, and the view which seems to hold the field today is that Drakon's rules on premeditated homicide had been superseded before the date of this *stèle*<sup>3</sup> and that is why they are not given here. But there are two serious objections to this view. First there is strong reason to believe that, whatever the truth of the matter might have been, the Athenians of the classical period conceived of their homicide law as a single corpus, going back in its first written form to Drakon. Thus Antiphon 5. 14 f. (without, it is true, mentioning the name of Drakon) stresses the extreme antiquity and the extreme conservatism of the laws on homicide, treating them as a single whole. Demosthenes in at least three passages (20. 158, 23. 51, 47. 71) refers to Drakon as the author of the homicide laws in general. And Aristotle, *Ath. Pol.* 7. 1, implies that Solon left Drakon's *φονικοὶ θεσμοί* untouched. It would therefore be surprising if, in a decree of 409/8 B.C., the words 'the law of Drakon about homicide' could have meant only a part of the whole law of homicide and that, perhaps, not the most important part. And secondly, if, as to most people seems self-evident, the principal object of the *stèle* is to make publicly accessible to everybody the then existing and confirmed text of Athens' law of homicide, what could be more futile than this piecemeal publication?

From this impasse there is perhaps one line of escape, albeit, it may appear to many, a desperate one. At the time when the decree was passed the Athenians were attempting to introduce some order into the chaos of their statute book. There was uncertainty as to what laws were valid and what the precise texts of these laws were. The material for decision would be either *ἀξῶνες*<sup>4</sup> (believed,

<sup>1</sup> I am grateful to Professors Wade-Gery and Homer Thompson and to Mr. D. M. Lewis and Mr. Ronald Stroud for helpful discussion and criticism.

<sup>2</sup> On the usually accepted restoration of the stone, from the secretary to the *boule* (*παραλαβόντες παρὰ τοῦ κ[ατὰ πρυτανείαν γραμμ]ατέως τῆς βουλῆς*). But Mr. D. M.

Lewis casts legitimate doubt on this restoration since this formula is unparalleled in any form before the middle of the fourth century.

<sup>3</sup> See, for example, Ruschenbusch, *l.c.*, p. 130, n. 7.

<sup>4</sup> I eschew discussion of the relation between *ἀξων* and *κύρβης*.

rightly or wrongly, to go back to Drakon or Solon respectively), or *stelai* or *papyri* containing subsequent legislation, whether by law or decree. Our inscription indicates that the assembly has decided what it considers to be at that date the law of Drakon on homicide and some official has the agreed text.

I now wish to posit three things: (a) that there existed in 409/8 B.C. an *ἄξων*, assumed by the men of the time to be the first *ἄξων* of Drakon, which was still sufficiently legible and clear to be consulted as a public document; (b) that this first *ἄξων* contained provisions dealing with premeditated homicide; (c) that either because of the physical decay of other *ἄξῳες* or for other reasons the text of the subsequent provisions had needed sorting out and therefore demanded fresh publication. The finally agreed text of the law of Drakon on homicide was then, and was expressed as being, the *πρῶτος ἄξων* plus the following provisions of which the official had the text. And this is precisely what the *anagrapheis* do inscribe. There is, I think, nothing strange in their behaviour once we assume the continued physical existence of the *πρῶτος ἄξων*, which would be well known to all Athenians. There would be a slight parallel, as Professor Wade-Gery pointed out to me, in the single word *ὄρκος* which takes the place of the full text of the oath at the end of *I.G.* i<sup>2</sup>. 39 (=Tod, *G.H.I.* 42)

I have assumed throughout—and, *pace* Dow on p. 88 of his article cited above, I think it is a justified assumption—that the first *axōn* of Drakon was not the same as the first *axōn* of Solon. There are two literary references to the latter. Plutarch, *Solon* 24. 1, quotes it for the duty laid on the archon to curse those who exported from Attica produce other than olive oil: Harpokration, s.v. *σῆτος*, quotes it for the use of that word to describe the maintenance of widows and orphans. Since the protection of the interests of widows and orphans was also a function of the archon, there is a strong probability that Solon's first *axōn* contained laws connected with the archon. This would make it equally *improbable* that it also embraced rules on homicide.<sup>1</sup>

There is one literary passage which makes reference to the (first?) *axōn* of Drakon (though not actually naming Drakon) and which seems to confirm very strongly the existence of the *axōn* at some time near the end of the fifth century. This is the law quoted in Demosthenes 23 *Aristok.* 28 as follows: τοὺς δ' ἀνδροφόνους ἐξεῖναι ἀποκτείνειν ἐν τῇ ἡμεδαπῇ καὶ ἀπάγειν, ὡς ἐν τῷ <α'> ἄξωνι ἀγορεύει, λυμαίνεσθαι δὲ μὴ κτλ. (α' ante ἄξωνι *add.* Cobet.) Any suspicion

<sup>1</sup> The only other references to *axōnes* by number seem to be to *Axon* 5 concerned with the *δικαὶ ἐξούλης*, schol. *Iliad* 21. 282, *Gen. Pap.* i (1891), 202 ed. Nicole, and *Ox. Pap.* ii (1899), 70; *Axon* 13 concerned with Solon's amnesty law, Plut. *Sol.* 19. 3 δ' *τριακαίδεκατος ἄξων τοῦ Σόλωνος τὸν θύδοον ἔχει τῶν νόμων κτλ.* (which surely means 'the 13th *axōn* has as its—not Solon's—8th law'); *Axon* 16 concerned with prices for sacrificial victims, Plut. *Sol.* 23. 3. Whether there was an *Axon* 21 is dubious. Harpokration, s.v. *στὶ οὖν ποιετοί*, dealing with the obligation on adopted sons to leave legitimate sons in the family of their adoption if returning to their natural family, quotes Solon ἐν κα' τῶν νόμων, as Dindorf prints, or as the Aldine edition

prints, ἐν εἰκόστῃ πρώτῃ τῶν νόμων. With a masculine case ending the reference could be to the 21st (*axōn* understood), or to the 21st law (of the *xth axōn*, as in the Plut. *Sol.* 19 passage, the reference to the *axōn* having fallen out). With the feminine case ending one would presumably have to understand *κύρβει*. This would be the only known reference to a *κύρβεις* by number. My colleague, Mr. N. G. Wilson, who examined a number of manuscripts for me, tells me that they all give or imply a masculine case ending. He would not, however, rule out the possibility that the Aldine editor, who is unknown, was using a manuscript which gave the feminine case ending, and it must certainly be admitted that this is the *difficilior lectio*.

that might attach to the wording of the law on the general ground that these quotations from laws may be late interpolations is allayed by Demosthenes' repetition of the words (with one verbal alteration) *ibid.* 31, where he says of the law giver "ὡς ἐν τῷ <α'> ἄξωνι εἴρηται" φησίν. If, as I have supposed, only one Drakonian *axōn* survived, it does not matter much whether we adopt Cobet's palaeographically acceptable addition. The reference would be clear without it. It is conceivable, though not likely, that the words ὡς . . . ἀγορεύει stood on the *stèle*. If they did, this would clinch my case, since what would be the point of referring to what the *axōn* said in a document purporting to be a part of the *axōn* itself? But the letters *ογ* in line 31, if correctly read, afford a presumption against the presence of these words, at this point at least, on the stone.<sup>1</sup> But even if it did not appear on the *stèle*, this clause, probably with the word ἀγορεύει rather than εἴρηται,<sup>2</sup> undoubtedly formed part of a document which is substantially the same as that which is reproduced in our inscription. The clause will have been added at some date later than 409/8 B.C. in order to make clear that the permission to kill a condemned homicide who had returned from exile without *aidesis*, or to hale him before a magistrate, had been stated in the (first) *axōn*; and it necessarily presupposes the separate existence of that *axōn* at the time when it was added.

One final point. Plutarch (*Solon* 19) supports the view that it was Solon who instituted the council of the Areopagus by the statement that Drakon nowhere mentions the Areopagites, but always refers to the *ephetai* in connexion with homicide. Some scholars have suggested that this statement can be explained by supposing that Plutarch, or more probably his source, was basing it simply on a reading of our inscription, where, in the surviving portions at least, there is no reference to the Areopagus. This explanation can still stand under my hypothesis. We have only to suppose that whoever made the deduction made it in the light of the *stèle* alone and that by his time the *πρῶτος ἀξων* itself had disappeared.

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<sup>1</sup> Mr. Ronald Stroud with very great kindness re-examined this part of the stone and sent me squeezes of it. There seems little doubt that the second surviving letter in line 31 is *nu*. This gives high probability to the restoration in *I.G.* i<sup>2</sup>, which leaves no room for this clause.

<sup>2</sup> The editors of *I.G.* i<sup>2</sup> point out in their commentary that, in other passages, the wording on the stone is closer to the extracts from the law read out by the clerk than to the citations in the body of the speeches. The subject of ἀγορεύει will be 'the law' or 'the lawgiver'.

## THE GRIPHOS: A VINDICATION

WHEN I read, rather belatedly, Professor Davison's article on Theognis 257-66 in *C.R.* ix (1959), 1-5, I found myself remembering somewhat uncomfortably that I have an article awaiting publication in *Mnemosyne*<sup>1</sup> in which I present a new interpretation of Theognis 1209-16 as a *griphos*. Against Carrière, Davison remarks that it would be easier to accept 261-6 as a *griphos* 'if there were any serious evidence for the prevalence of γρίφοι in the Theognidean corpus' (p. 2); this is an eminently sane attitude and leaves the question open for later consideration. But lower on the same page E. Harrison's dictum that 'sweeping emendations' are 'the last infirmity of exegesis' (*Studies in Theognis*, p. 167) has given birth to a pronouncement that 'recourse to riddles' is one of two 'penultimate infirmities of academic minds'. This is really too much. I have not yet acquired a fixation on this subject, but I am sufficiently impenitent to maintain that the *griphos* appears at least twice in the corpus, at 1209-16 and 261-6. I have no opinion on 257-60, which seems at any rate to be in its proper place.

It is desirable to have the text of 261-6 before us again.

Οὐ μοι πίνεται οἶνος, ἐπεὶ παρὰ παιδί τερεῖν  
 ἄλλος ἀνὴρ κατέχει πολλὸν ἐμοῦ κακίων·  
 ψυχρόν μοι παρὰ τῆδε φίλοι πίνουσι τοκήες,  
 ὥσθ' ἅμα θ' ὑδρεύει καὶ με γοῶσα φέρει.  
 ἔνθα μέσσην περὶ παῖδα βαλὼν ἀγκῶν' ἐφίλησα  
 δείρην, ἣ δὲ τέρεν φθέγγετ' ἀπὸ στόματος.

The only question of reading involved is at 264 where the chief manuscripts do not divide ὥσθαμαθ'. Davison (p. 3) comments: 'However one divides the transmitted letters (ὡς θαμά θ' and ὥσθ' ἅμα θ' are the forms favoured by editors), the result is grammatically all but intolerable—the θ' is completely out of place.' L. S. J.<sup>2</sup>, s.v. ἅμα, provide the answer to this charge by sending us to *Il.* 1. 417 νῦν δ' ἅμα τ' ὠκύμορος καὶ οἰζυρὸς περὶ πάντων | ἔπλεο. In point of fact the location of the elements of ἅμα . . . τε . . . καὶ is very fluid, and dictated by the desired position of the connected words and metrical convenience.

Now it goes without saying that this is not one of those passages of Theognis which history has shown to be 'as plain as a pikestaff'; the effort and ingenuity expended on μοι, ἐπεὶ, κατέχει, ψυχρόν, παρὰ τῆδε, τοκήες, φέρει, and ἔνθα are eloquent on this point. It will be noticed that the points of difficulty are spread evenly through the first two-thirds of the poem, and Davison finds the last line difficult into the bargain. Actually possible confusion is even more widespread. After all, κατέχει could be taken as the 3 sg. impf. of καταχέω (for the epic variations in -χει and -χέε, see L.S.J.<sup>2</sup>, s.v. χέω). I am not saying that it should be so taken, but there is little to stop the unwary from being led up this garden path, attaching a special force to the verb and the discrepant tense, and becoming well and truly lost. 'Wine' and 'pour' are amiable acquaintances, and one could interpret the imperfect as implying that the lass was carrying a torch for an absent lover. I do at any rate submit that where in a convivial and/or erotic collection we find sustained difficulty of this sort there is method in griphomania. Of course the whole procedure may become a farce if one does not take

<sup>1</sup> Fasc. i, 1961.



pains to align all the data supplied by the poet with the assumed image. Even Carrière (who gives as the answer ὑδρεῖον) does not take into account ἄλλος ἀνὴρ 262 and the gender of βαδών 265. I think it safe to assume that if *grīphoi* have wormed their way into the Theognidean corpus, it is because they are not the worst of the breed, but on the contrary show considerable skill in sustaining the illusion. My interpretation of the passage as a *grīphos* follows, and I leave it to readers to decide which approach produces more satisfactory results.

To the composer of Greek riddles the dative was worth its weight in gold as a source of deliberate confusion, but at the level of inner meaning one would expect οὐ μοι πίνεται οἶνος to be cognate in meaning with, for example, *Od.* 14. 112 σκύφος δὲ περ ἔπινεν. 'They don't drink wine out of me, since another fellow is top dog beside my dainty mistress. . . .' I can sympathize with Carrière's desire to explain the μοι as 'par mon office' for pretty obviously a vessel large enough to make its carrier miserable is not likely to be drunk from directly. But it seems to me that, even though the vessel is one degree removed from direct contact with the drinker (for it is an oenochoe of sorts), the Homeric example is still closest to the intended meaning, 'I am not used for drinking wine.'<sup>1</sup> Carrière thought of a water-jug no longer used as oenochoe, but 'no longer' is misleading. The vessel turns an envious eye on his rival, but the poet does not in fact say that it *was* used in this capacity at table; all he says is that the house had another vessel for this purpose. The conclusion is that it could have been used, and the answer is something which was regularly used as a container for both wine and water.

Of course Davison is right in taking 263 as the antithesis of 261. 'Her parents by her side drink water out of me.' The pot feigns pique; I suspect that this, rather than metrical considerations, is the reason why the poet chooses ψυχρόν, a word with overtones of frigidity and aimlessness. The question of whose parents are involved is settled at this level by sense and also the juxtaposition of παρὰ τῇδε. I find it hard to appreciate Davison's concern over the latter phrase: 'If they are her parents . . . why are they παρὰ her, and not vice versa?' (p. 3). I am at a loss to see how the poet could satisfy this desire for inversion and still express what he wants to say. Really there is no need for them to be παρὰ anybody, but the subject still speaks as a passionate lover and all experience is related to the beloved; particularly since the juxtaposition of (girl with rival) and (parents with lover) also creates a situation of 'so near and yet so far'.

In the next line the mood changes, as the vessel observes that this lower station has its compensations. He has her to himself when she fills him at the well. 'And so she actually carries me (although not without complaint) as she draws water.' If I mistake not, in the indicative of actual result after ὥστε the subject savours the advantage over his rival that this situation affords him. The choice between με as the object of φέρει and of γοῶσα is of course intentional. The last couplet should describe in amatory terms the way in which the girl carries the vase, and since I believe Carrière right in his explanation here, his words are worth repeating: 'Le bras qui étreint la fillette à mi-corps (v. 265-6) est la courroie par laquelle elle la porte, sans doute en bandoulière: l'orifice . . . est alors à hauteur du cou de la porteuse (d'où l'expression ἐφίλησα δείρην), qui gémit doucement sous le faix (τέρειν φθέγγει' ἀπὸ στόματος)' (Budé edition, p. 105). To start at the end. τέρειν φθέγγεσθαι is a vague phrase, so vague as to seem to Davison incomplete. I suspect that the vagueness is

<sup>1</sup> And similarly line 263.

necessary since the phrase must register two emotions. Girls who are kissed unexpectedly, pinched unexpectedly, or paid any similar ambivalent attention unexpectedly may, if their first reaction is vocal, be expected to squeal. On the other hand, the phrase must express the fact that the vessel is really a considerable burden to the girl and that her reaction is more of a high-pitched grunt or a whimper (cf. γοῶσα 264).

On the answer to the riddle Theognis is not quite so helpful as at 1209-16. At the latter place the subject is described as something of which the adjective *aithon* was traditionally predicated, of material which compared unfavourably with that of the *argyris*, the silver drinking-cup which the speaker holds in his hand, and situated in the city bordering on the Lethaeon Plain, i.e. the cemetery. This provides enough material to suggest a stone sepulchral lion. What clues do we have here? It is a large vessel used for both water and wine. The phrase ἄλλος ἀνὴρ firstly suggests objects which bear personal names, of which a great number may be quarried from Athenaeus Bk. xi—vessels named after rulers, potters, figures of mythology. Or again it may suggest names common to both vases and classes of people, such as the Ephebos. Or again, names which had been transferred to people, presumably facetiously, and then became normal proper names.<sup>1</sup> The choice here is too wide for comfort, but I think we shall find an answer in this third category. I take the vessel to be the *kados*.<sup>2</sup> All the relevant facts about it are discussed by D. A. Amyx, *Hesperia* xxvii (1958), 186-90, to which my references refer. The *kados* is used, like the amphora, to draw off wine from larger containers for use. It is frequently used for drawing water from a well (187 n. 4). It varies in size from larger than a man to a third of an amphora (186 n. 3); it could therefore be definitely uncomfortable. 'The sharp edges of the lip and foot heighten the impression that they must be metal vases. Metal vases for use as water-pots are mentioned fairly often' (188). Hence the girl's groan as it bites into her neck. Lastly, for *Kados* as a proper name see Pape-Benseler, s.v.

High Jinks in the Spring House? Or a *kados* deliberately lurking behind 'the all too human emotions of the speaker of 261-6'? I leave the choice to others.

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<sup>1</sup> For a few examples of this type see Bechtel, *Die historischen Personennamen des Griechischen*, p. 606.

<sup>2</sup> Cf. the first two lines of an epigram by

Hedylos (preserved by Athenaeus 11. 473a):  
ἐξ ἡοῦς εἰς νύκτα καὶ ἐκ νυκτῶν πάλι Σωκλῆς  
εἰς ἡοῦν πίνει τετραχόοισι κάδοις.



# AESCHYLUS, *SUPPLICES* 249

πρὸς ταῦτ' ἀμείβων καὶ λέγεται εὐθαρσείς ἐμοί

THIS is the reading of M. λέγεται presumably arose from a dittography (ΛΕΓΕΤΕΥΘ... for ΛΕΓΕΥΘ). λέγ' εὐθαρσής (Turnebus) has been generally accepted. The adverbial use of an adjective qualifying the subject of an imperative appears to be at least unusual; no examples are quoted (though this may be fortuitous) by Kühner-Gerth, i. 274-6. Robortello, followed by Tucker, preferred εὐθαρσώς: but the earliest certain appearance of the adverb seems to be in Aristotle. I would propose εὐθαρσούς: cf. *Supp.* 1015, *Th.* 34. This is no less satisfactory palaeographically, and the participle is demonstrably idiomatic Greek. Cf. A. *Fr.* 276. 49 Loeb ed. (= P. *Ox.* 2162. 2. i. 13) εἰλα θαρσῶν λέξ[ον, *Ar. Eq.* 15 εἰπὲ θαρρῶν, *Nu.* 141 λέγε νυν ἐμοὶ θαρρῶν, 427 λέγε νυν ἡμῖν ὅ τι σοὶ δρῶμεν θαρρῶν, *Ra.* 6 τὸ πᾶν γελοῖον εἶπω;—νῆΔία, / θαρρῶν γε, *Hdt.* 1. 88 *Kyros* δέ μιν θαρσέοντα ἐκέλευε λέγειν, *Pl. Crat.* 426 b θαρρῶν λέγε, 428 a τούτου γε ἔνεκα θαρρῶν λέγε, *Th.* 157 d ἀλλὰ θαρρῶν καὶ καρτερῶν εὐ καὶ ἀνδρείως ἀποκρίνου, *Phdr.* 243 e λέγε τοῖνυν θαρρῶν, *Charm.* 166 d θαρρῶν... ἀποκρινόμενος... ἔα χαίρειν... , *Lg.* 642 d θαρρῶν... λέγοις ἄν, [*Luc. Lex.* 1]<sup>1</sup> λέγε θαρρῶν, *Aristaen.* 1. 15 εἶθε γὰρ θαρροῦσα λέξεως, *Charito.* 4. 2. 14 λέγε πάντα θαρρῶν, also *S. El.* 314 ἡ δὲ ἂν ἐγὼ θαρσοῦσα μᾶλλον ἐς λόγους / τοὺς σοὺς ἰκοίμην, *Pl. Sph.* 258 b δεῖ θαρροῦντα ἤδη λέγειν, *Phlb.* 57 d σοὶ δὲ πιστεύοντες θαρροῦντες ἀποκρινόμεθα, *R.* 586 d, *Lg.* 657 c. The aorist participle is used likewise: cf. *Il.* 1. 85 θαρρήσας μάλα εἰπέ, [*Ar. Eq.* 622] πρὸς τὰδ', ὦ βέλ-/τιστε, θαρρήσας λέγ', *An.* 461, 1512, *Pl. R.* 451 b, also *Od.* 3. 76, *Hes. Th.* 168, *A. Ch.* 666, *Hdt.* 7. 38. 2. So in different contexts, particularly in commands: *Il.* 5. 124 θαρσῶν... μάχεσθαι, *A. Ag.* 1671 κόμπασον θαρσῶν, *Ch.* 827 θαρσῶν... πέραιν', [*Pr.* 915] πρὸς ταῦτα νῦν / θαρσῶν καθήσθω τοῖς πεδαρσίοις κτύποις / πιστός, [*Ar. Nu.* 990] πρὸς ταῦτ', ὦ μεράκιον, θαρρῶν ἐμὲ τὸν κρείττω λόγον αἰροῦ, etc. The introduction of the command by πρὸς ταῦτα in the last two passages and by πρὸς τὰδε in *Ar. Eq.* 622 perhaps lends, by the further analogy, some additional support to the emendation proposed.

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<sup>1</sup> This and the other references in square brackets are among Walter Headlam's manuscript notes on this passage in his copies of Wecklein's edition of Aeschylus; I am grateful to the Provost and Fellows of King's

College, Cambridge, for permission to use this material. There is no indication that Headlam ever considered the emendation suggested. He discussed the line in *C.R.* xii (1898), 191.

## ΔΑΑΤΟΣ AND SOME OTHER NEGATIVE COMPOUNDS

THE uncertainty of the current explanation of δάατος is not difficult to demonstrate. The word occurs only in four passages of Epic, of which three are Homeric, and it will be convenient to start by listing them.

- (1) Hom. *Il.* 14. 271:  
 ἄγρει νῦν μοι ὁμοσπον δάατον Στυγὸς ὕδωρ.
- (2) Hom. *Od.* 21. 89-91:  
 ἀλλ' ἀκέων δαίνυσθε καθήμενοι, ἡὲ θύραζε  
 κλαίετον ἐξελθόντε, κατ' αὐτόθι τόξα λιπόντε,  
 μνηστήρεσσιν ἄεθλον δάατον.
- (3) *Ibid.* 22. 5:  
 οὗτος μὲν δὴ ἄεθλος δάατος ἐκτετέλεσται.
- (4) Ap. Rhod. 2. 76-77:  
 ἀπηνέα δ' αἶψα νοήσας  
 πυγμαχίην, ἧ κάρτος δάατος, ἧ τε χερείων.

It will be seen that δάατος has twofold prosodic value: in passage (1) it equals √--√, but in the others √-√√.

It is usual to connect the word with ἄτη (\*ἄφατη; Alc., Pind. αὔατα i.e. \*ἄφατα: Lejeune, *Traité de phon. grecque*, p. 155 note), δάω-ομαι, thus following a lead given by Hesychius (δάβακτον· ἀβλαβεῖς). This is indeed the only suggestion advanced in the respective etymological dictionaries of Boisacq, Hofmann, and Frisk, and by Seiler (*Lex. frühgriech. Epos*); though all but Seiler express more or less of doubt, particularly on the ground of meaning. The etymology of δάω: ἄτη is not certain, but, not to go outside Greek, the stems ἄφᾶ, ἄφα can be identified. If initial δ- in δάατος is taken to be the negative prefix, we are left with the stem -άατος. This would primarily be taken as -ᾶατος or -ᾷατος (cf. aor. ᾶσα), thus leaving the quantities actually found in Epic δάατος (√-√√) to be explained as secondary developments.<sup>1</sup>

The main point of phonological difficulty (and it is a serious one, which has not been sufficiently stressed) is the form of the negative prefix, δ- in place of the expected δν- (δν-άατος); and ἀνάατος does indeed occur, on inscriptions of the fourth and third centuries B.C. (Elean and Arcadian). Seiler suggests that δ- was used to avoid the form δν-α-. He compares ἀσχετος, made (as he proposes) from ἀσχετος with reduplication of the negative prefix δ- to avoid similarity with the positive adjective ἀσχετός from ἀνέχω: negative \*ἀνάσχετος would have been open to the same objection. So far as δάσχετος is concerned, this account is satisfactory. In the case of δάατος we should be required to analyse as δα- (neg. prefix) + -ατος (contracted as in ἄτη). But the analogy of δάσχετος is not really helpful here. In what way was the form ἀνάατος (which, moreover, did exist, at any rate in the post-Epic language) undesirable? δάω made no compound with ἀνα-, comparable to ἀνέχω; on the other hand, there

<sup>1</sup> Seiler, l.c., explains the regular long quantity of the second α in δάατος as probably metrical. I shall return below to this question.

was an Epic negative compound *ἄατος* 'insatiate, -able', \**ἄ-σα-τος*: *ἄω*, and the similarity of *ἄατος* to this would (on the supposition of its derivation from *ἄάω*) have the effect of making *ἄατος* actually desirable. This is to say nothing of the extreme phonetic awkwardness of *ἄατος*, which *ἄν-* would have greatly relieved. Thus the essential part of Seiler's thesis remains unexplained and, I think, inexplicable.

We therefore must return to a simple negative prefix *ἄ-*. In later Greek it is possible to find on the one hand fluctuation between *ἄ-* and *ἀν-* before the same stem (as *ἄ-* and *ἀν-οπλος*); and on the other hand *ἄ-* before vowels where there was never *-μ-* or *-h-* to follow and justify it (as *ἄοζος*, *ἄοσμος*, *ἄορνος*).<sup>1</sup> But at the Epic stage this point of development does not seem to have been reached. In Homer there are only two apparent examples of the negative prefix *ἄ-* before vowels, if we omit cases where it is clear that the *simplex* began with *μ-* or *h-*:<sup>2</sup> and these are none other than *ἄατος* and *ἄσχετος*. Of other possible cases we must leave out of reckoning *ἀήουλος* and *ἄωρος* (*Od.* 12. 89 *πόδες . . . ἄωροι*, of Scylla), since their derivation is unknown. *ἄουτος* probably has *-f-*. The source of *ἄατος* is disputed. It has been explained as in error for *ἄεπτος*, which would be derived from (f) *εἰπεῖν*: \**ἄρεπτος* > *ἄεπτος* > \**ἄπτος* > *ἄαπτος* (by *διέκτασις*).<sup>3</sup> But this has been criticized by H. Vos,<sup>4</sup> principally on the ground of meaning; and Frisk (*Et. Wb.*) also has serious doubts on this score. If we start from a sense 'unspeakable', passing to 'unspeakably large, strong', and so to the senses actually proposed (*Lex. frühgriech. Epos*) 'irresistible, hard to conquer, fearful, mighty', it is extraordinary that the range of the word is limited to use in the single phrase *χεῖρες ἄαπτοι*, which is paralleled by the occurrence of *χειρῶν ἀπτεσθαι* in the *Iliad*. It seems more satisfactory to follow Vos in returning to the interpretation *ἄ-+απτος*: *ἄπτω*, 'not to be touched, unapproachable'. *ἄ-* is then explained by Vos as designed to avoid the confusing form *ἀναπτος*, which could be taken as from *ἀν-ἄπτω*. But whichever explanation of *ἄαπτος* is accepted, we have either *-f-* or *-h-* after the negative prefix.<sup>5</sup>

So, as stated, we are left with only *ἄατος* and *ἄσχετος*; and the latter can be satisfactorily accounted for, as we have seen, by Seiler's explanation.

<sup>1</sup> See my *Studies in the Greek Negatives*, pp. 47-48; M. Lejeune, 'Observations sur les composés privatifs', *Rev. Phil.* xxxii (1958), 198-205. The evidence of Mycenaean, with which Lejeune mainly deals, is unfortunately not clear on the questions whether it consistently had (1) *a-* before *h* plus vowel, and (2) *an-* before vowel without *h*. The most difficult forms are three with *an-* where *h* is postulated, contrasted with seven showing *an-* without *h* (including such clear forms as *a-na-pu-ke* and *a-no-wo*, *a-no-wo-to*): they are *a-na-mo-to*, *a-no-pa-si-ja*, *a-no-po*. Of these the first is probably the most securely established, as either *ἀνάμωστο* (Ventris-Chadwick, etc.) or *ἀνάμωτο* (*ἀμα*: Palmer). But even here the truth is tantalizingly fugitive, since the base of both *ἀμώζω* and *ἀμα* is \**aw-* (*ἀπαρίσκω*) and the aspirate is not original, although regularly appearing in these derived forms. So for *ἀμώζω* Lejeune suggests the possibility of a Mycenaean form in

\**ap-m-*, opposed to the Classical \**ap-sμ-*, *ἀρμ-*. However, the point in doubt for Mycenaean is purely concerned with palis, with the question of the form of prefix before stems which originally had *h*. There is no sure example quoted from it of *a-* before a vowel in stems which never had *h*: the single case of *a-a-ti-to* (?*āpris*) is insecure evidence, as Lejeune grants. To this extent, therefore, there is agreement with Homer, and that is what is relevant to the present discussion.

<sup>2</sup> There are two examples of the negative prefix before *h* in Homer, apart from *ἄατος* (see above). *δατος* 'insatiable' < \**ἄ-σα-τ*, and *ἄννος* < \**ap-* + *-supno-*, weak grade of \**syē/opno-*.

<sup>3</sup> So in *Lex. frühgriech. Epos* (Erbse and Laser), following Wackernagel and Bechtel.

<sup>4</sup> *Glotta* xxxiv (1955), 292-4.

<sup>5</sup> The etymology of *ἄνω* is not certain. Hofmann, *Et. Wb.*, connects with Skt. *yabhati*, so giving *i* as the source of Greek *h*.

Alternatively Wackernagel takes ἀάχετος as a false form, replacing an original negative \*ἀνάχετος (which was glossed by ἀχετος, and then this form was altered to repair the metre).<sup>1</sup> ἀάτος is now seen to be in fact isolated, and this, even if there were no other doubts, should have produced more scepticism regarding the alleged derivation from ἀάω. There for the present I leave its phonology.

It is time that we should turn to consider the meaning of ἀάτος, in relation to the derivation from ἀάω: ἄρη. The meanings of this verb and noun have, of course, been much discussed, but I think it is possible to summarize briefly the essential points. Here I have found most useful the work of Professor Dodds (*The Greeks and the Irrational*, pp. 2 ff., 38 ff.) and of Seiler (*Lex. frühgriech. Epos*, s.v. ἀάω; cf. also *Festschrift Debrunner*, pp. 409 ff.). The oldest sense (*Iliad*) of the noun is to denote temporary mental insanity or blindness, due to external 'daemonic' agency; also, actions committed under such influence. Later developments are those of 'harm, ruin, disaster' (transition to this already in *Od.*); 'instrument, or embodiment, of divine anger'; 'legal penalty, fine' (epigraphic). For the verb Seiler argues that the aorist middle ἀάσατο shows the meaning most clearly: *handelte in der Verblendung, Verirrung* (with the added note, *Verirrung liegt auf geistiger Ebene*). Note also L.S.J., s.v. ἀάω: 'hurt, damage, always in reference to the mind, mislead, infatuate'.

On this basis, what meanings should we expect to find for ἀάτος, if derived from the same source? The primary one would be, with either active or passive sense, 'not causing, or not suffering, infatuation'; then further (and later) in place of 'infatuation' we should expect 'hurt' or 'legal penalty'. The attested meanings of post-Epic ἀάτος fall with no trouble within these limits: so we find in L.S.J. (1) (passive) 'unharm'd'; 'immune from punishment';<sup>2</sup> (2) (active) 'not harming, harmless'.<sup>3</sup> So does ἀάατος 'immune from punishment'. So far there is no difficulty. But let us now turn to Epic ἀάτος. For *Il.* 14. 271, to describe the water of the Styx, an active 'harmless' can be readily ruled out. Another active sense is given by Schrader, 'infallible, free from error' (quoted by Boisacq: this sense is proposed also for the two passages in the *Odyssey*);

<sup>1</sup> See my *Studies* . . . , pp. 49-50.

<sup>2</sup> The latter sense wrongly listed as active in L.S.J.

<sup>3</sup> Fraenkel, *ad Aesch. Ag.* 1211, remarks that it is inappropriate in the case of ἀάτος (as in that of ἀναυδος) to speak of an active or passive force, since the word means 'devoid of hurt'. This disagrees with his own note on v. 238 (discussing ἀναυδος), where he grants that of course active and passive force are common in verbal adjectives in -τος, and quotes ἀάτος as one such, taking v. 1211 as showing the passive sense (vol. ii, p. 137, fn. 1). The confusion arises from doubt whether ἀάτος is nominally derived (possessive compound) or verbally: it may be either. The further question arises, whether the distinction is worth retaining, that we should speak of active and passive force only for adjectives of verbal derivation. For this presupposes that active or passive sense is formally ex-

pressed if we have a verbal adjective in -τος: yet that is not the case. The formation is an adjective, not a participle integrated in the conjugational system; what is expressed is no more than association with the idea contained in the verb (see Wackernagel, *Syntax*, i. 136). Hence if we have a nominal derivative such as ἀναυδος, where the original noun describes an action or the product of an action, it seems proper to establish the same categories of meaning lexically as for a verbal derivative. So ἀναυδής and ἀναυδος may be described in parallel: both have (a) active sense, 'not speaking' (which meaning is shared by English 'speechless'); (b) passive sense, 'not to be spoken (of)'. In short, active and passive are here categories established by the lexicographer for our convenience of understanding: they are logically, not formally based.

similarly Seiler (*Lex. frühgriech. Epos*) 'in which there is no delusion or deception', which is amplified by the remark that it is probably the water of Styx itself which does not delude. This is objectionable for the *Iliad* on the ground that it gives poor sense. It is hard to see how the Styx itself can be called infallible, or said not to delude; though that would not be impossible as a description of an oath taken by it. Furthermore, and more generally, it seems to me that if one were looking for a word 'infallible, not deceiving' in such a context, one would not choose the stem of ἄρη at all: the early sense is a special kind of mental misleading, associated with awful consequences, and one too of a temporary nature. These features make the stem unsuitable to provide a word 'infallible' as an epithet either of an oath taken by the Styx, or a contest (as in the *Odyssey*).

A passive notion is adopted for the *Iliad* by L.S.J., 'not to be injured, inviolable'; Frisk, *Et. Wb.*, 'inviolable?'. The plain notion of 'injury, harm' is not found in the *Iliad* for the stem of ἄρη, so that this is an initial objection to this meaning at such an early stage. Even in post-Epic Greek there is no evidence for the use of ἄω: ἄρη in the sense of 'injury to, violation of, an oath'. Also, it requires that the injury arising from perjury would apply not to the oath itself, but to the object on which the oath is taken. The nearest semantic parallel that I have found is in Aristotle, fr. 148 ἐβλάψαν τοὺς ὄρκους, but there it is the oath which is 'damaged'.

For the two passages in the *Odyssey*, where ἄατος is an attribute of ἄεθλος, L.S.J. gives (though adding 'probably') 'unimpeachable, i.e. decisive': so also Monro. This brings us a long way from the original sense of 'infatuation'; but even if we start from a simple sense 'injure' as a base, it is still very hard to reach the notion of 'protest about, object to (the result of a contest)'. Frisk offers 'infallible?', with which I have dealt above. Seiler's method is ingenious, since he separates the two occurrences. He takes *Od.* 21. 91 as 'infallible', but at 22. 5, because the contest which has just taken place has been inconclusive for the suitors, he proposes either that we have a formulaic repetition of 21. 91, or that ἄατος means 'in which no damage, hurt, wrong occurred; harmless, innocuous'. This second explanation, however, is very unlikely (despite the fact that this sense of the word would be acceptable, and indeed the only one acceptable of all discussed until now, if only we could take the occurrence of ἄατος at *Od.* 22. 5 in isolation). If we are first told that there is to be an ἄεθλος ἄατος (as at 21. 91), and then told that there has been one (as at 22. 5), it would argue an un-Homeric sophistication to suppose that the repeated phrase was used with two such dissimilar senses.

Finally there is the passage in Ap. Rhod. Frisk suggests 'invincible?'; so also L.S.J. (but without the saving question-mark) and Mooney ('resistless'). But ἄω: ἄρη nowhere offer a sense of 'conquer', which these views would require. We must not, of course, overlook the lateness of Apollonius, and the possibility that he used a word or phrase without properly understanding it, because he was borrowing it. But his use of ἄατος is not in fact copied from Homer's use of that form; though I shall hope to show that it does have very close Epic analogies.

We thus reach the conclusion that the semantics of ἄατος are as unsatisfactory as its phonology, if it is sought to connect the word with ἄω: ἄρη.

The possibility of finding an adequate explanation of ἄατος has only lately been opened up by the work of Professor Palmer on Mycen. *a-se-so-si*, showing



its connexion with *ἄω* 'sate', *ἄση* 'satiety, surfeit'.<sup>1</sup> He has shown that the base of these words is in Greek *ασα* (*asā*), *σᾶ*, *σα* (*sā*); and behind these are the forms with laryngeals *\*H<sub>2</sub>es-H<sub>2</sub>*, *\*H<sub>2</sub>s-eH<sub>2</sub>*, *\*H<sub>2</sub>-H<sub>2</sub>*.<sup>2</sup> The original meaning on this explanation would show on the one hand a special connexion with satiating with drink, and on the other a general sense 'satiare'. It is the general sense which is seen in *ἄω*; so in Homer the verb is used of having (giving) one's fill of blood, of flesh, and of lament.

*ἄ-άτος* can then be analysed as *\*η-asa-tos*, showing *-ἄτος* with loss of *-σ-* but without contraction. We may obtain from it by contraction *ἄ-άτος*, *ἄ-ητος*:<sup>3</sup> compare the contraction of *\*η-sā-tos*, *ἄτος* > *ἄτος*, which left these two forms side by side (*ἄτος* in Homer, *ἄτος* in Hesiod, Ap. Rhod.).

The negative prefix in *ἄ-άτος*, *ἄ-άτος* has just the form that we expect, that is, *ἄ-* in Epic before *h* < *σ*: *\*ἄσα-* > *\*ἥσα-* with transfer of the aspirate to initial position (as would occur in the positive adjective).<sup>4</sup> This is the first considerable gain achieved by derivation from *ἄω*.

The form of the stem *-ασα-* in *\*ἄ-ασα-τος* is worth a fuller note.<sup>5</sup> The grade corresponds to *-εχ-* in *ἄν-εκ-τός* (with positive *ἀν(a)-*): starting from a dissyllabic *\*seǵhā-* we have (1) *\*seǵh-* (normal plus zero grades), *-εκ-τός*; (2) *\*sǵhā-* (zero plus reduced grades), *-σχε-* in *ἄ-σχε-τός*.<sup>6</sup> In *-ασα-* the second syllable represents the zero grade, with vocalization of the laryngeal.

There are notable parallels for two alternative forms of the adjective in *-τος* (especially in negative compounds), in cases where the stem includes a sonant.<sup>7</sup> (1) *ἄ-δάμα-τος*: *δμητός*. *ἄδάματος* occurs in Tragedy but was metrically impossible in Epic, where it was replaced by *ἄδάμαστος* with *-σ-* from forms such as aor. pass. *ἔδαμύσθην*.<sup>8</sup> The objection to such forms as *ἄδάματος* was not only metrical, but also a rhythmical feature of Greek, which disliked the succession of three or more short syllables. Compare the lengthening of comparative forms in *σοφώτερος* (*-ω-* for *-ο-*) and *ἀρίστερος* (addition of medial *-σ-*).<sup>9</sup> The compounds in *-τος* show both lengthening by addition of *-σ-* and also vowel lengthening in *ἄθάνατος* (for *ἄ-*), *ἄκήρατος* (for *-κερ-*). (2) *ἄκάματος*: *ἄκμητος*, *ἄκμής*; *ἄθάνατος*: *θηντός*. The forms *ἄκάματος*, *ἄθάνατος* have it in common that they are often explained as nominal, i.e. possessive compounds based on *κάματος*, *θάνατος*.<sup>10</sup> It is, however, surprising that a nominal compound should make the contrast with the verbal derivative *θνητός*.<sup>11</sup> By the side of *ἄκάματος* there is *ἄ-κάμα-ς*, at least equally old (occurring as a personal name, as well as an adjective, in Homer: with it cf. *ἄδμητος*), which must be verbally derived. It must be noted that it is only to this pair of words (and possibly *ἀγέραστος*)

<sup>1</sup> 'Methodology in Linear B interpretations', *Die Sprache* v (1959), 131-6.

<sup>2</sup> The laryngeal evidence is supplied by H. Hitt. *hasas* 'satiety', Palaic *has(i)* 'drink one's fill'.

<sup>3</sup> Palmer, op. cit., p. 136, n. 21, would take *ἄτος* directly from *\*η-sā-tos*, with the verb stem showing zero plus normal grades.

<sup>4</sup> Lejeune, *Traité de phonétique grecque*, § 75.

<sup>5</sup> For *ασα* in other forms of the verb, see Palmer, op. cit., pp. 135-6.

<sup>6</sup> So Risch, *Wortbildung der homerischen Sprache*, p. 17; cf. Hirt, *Handbuch der gr. Laut- und Formenlehre*, p. 97.

<sup>7</sup> The ablaut is not of course confined to

such verbal adjectives: see Schwyzler, *Gr. Gr.* i. 359 ff. for examples and discussion.

<sup>8</sup> Risch, *Wortbildung*, p. 18; Schwyzler, *Gr. Gr.* i. 503.

<sup>9</sup> I have discussed these in *A.J.P.* lxx (1949), 159 ff., and lxxiii (1952), 298 ff. See further F. Specht, *K.Z.* lxxiii (1936), 207 ff., 'Zur Vermeidung von Wörtern mit drei kurzen Silben'.

<sup>10</sup> So Risch, *Wortbildung*, p. 22, n. 1 (with modification *wohl*).

<sup>11</sup> So Wackernagel, *Kleine Schriften*, ii. 1157, n. 1, while accepting *ἄθας* as nominal, is puzzled that a verbal *\*ἄθνητος* was not used instead.

among those here under discussion, that the suggestion of nominal derivation can apply. (3) ἀκήρατος (-άσιος), ἀκέραστος: ἀκράτος. ἀκήρατος is probably to be taken as for \*ἀκέρατος, on metrical grounds. See Frisk (*Et. Wb.*, s.v. ἀκήρατος 2): he distinguishes ἀκήρατος 'unmixed, pure' from ἀκ. 'undamaged', while admitting that the latter too may show lengthening of the same \*ἀ-κέρα-τος, influenced by κήρ. ἀ-κέρα-ιος also has -ε- in the dissyllabic grade, with change of suffix, and shares the division of meaning. ἀκέραστος was made like ἀδάμαστος (cf. ἐκεράσθην). (4) ἀγέραστος (Hom., etc.), ἀγείρατος (test. Hdn.): (γρηῆς). ἀγέραστος may owe its -σ- to the noun γέρας;<sup>1</sup> but ἀγείρατος suggests that for both forms the source was \*ἀγέρατος, which was lengthened in one way or the other. (5) On the analogy of the previous cases we might suspect another example to underlie ἀπέλραστος: ἀπλάτος (for -σ-, cf. ἐπελάσθην, πέλας).

The difference in gradation between ἀδάματος: δμητός, ἀθάνατος: θνητός, etc., has long been a topic for discussion, and it is not to my purpose to add to that here. The interesting suggestion has recently been made by Lehmann<sup>2</sup> that the accent of the negative compound was a vital factor. He takes the underlying bases to contain laryngeals. Both -ava- and -vā- in ἀθάνατος, θνατός would derive from the same reduced grade -η- plus laryngeal. If the syllable following the sonant was not accented (as in the negative compound, originally \*ἄθανα-τος), a secondary vowel was developed, giving -αν-α; but if the following syllable was accented (as in θνατός) this vowel was lost (or did not develop?) and the result was -vā-. Similarly for -αμα-: -μā- in ἀδάματος: δματός. He then takes θάνατος, δάμασις, with accent on the root, to be made on the analogy of the compounds \*ἄθανα-, \*ἄδαμα-. This seems a more satisfactory account than, for example, that of Hirt.<sup>3</sup> It has the special merit of providing an account of the co-existence of distinct grades in compounds made with -τος.

The prosodic value of ἀάτος calls now for mention. As previously stated, it is found scanned either as ◡-◡-◡, or as ◡-◡-◡◡. Obviously vowel-lengthening was a necessary expedient if the word was to be used in Epic at all. The forms \*ἄἄτος and (with contraction) ἄἄτος made the starting-points: the former needed lengthening, and so perhaps first assumed the initial value of the latter, ἄἄ-. This would give ἄἄτος, which is what we find in the *Odyssey* and Ap. Rhod. The single occurrence in the *Iliad* shows a further long, in the third syllable, and this is surprising since it was not unavoidable. Was there influence from a negative compound made from ἄἄω: ἄτη (not, of course, attested in Homer if the suggested derivation of ἀάτος is correct!)? As indicated at the start of this article, we should expect from that stem -ἄἄτος or

<sup>1</sup> Risch, *Wortbildung*, p. 18, Chantraine, *Formation des noms*, p. 305. But Buck-Petersen, *Reverse Index of Greek Nouns and Adjectives*, p. 470, regard derivation in -τος from nouns as post-Homeric.

<sup>2</sup> W. P. Lehmann, *Proto-Indo-European Phonology* (1955), pp. 88 ff.

<sup>3</sup> In *Handbuch* . . . , pp. 82, 95 ff. Specht, *K. Z.* lix (1932), 89-119, has a useful collection of material, without himself giving a convincing solution. In Latin it does not seem always possible to start from a reduced, monosyllabic form of the stem in cognate words. (in)domitus shows the same grade as

the present stem of *domo*, while there is no trace here of the reduced \*dmā-; cf. Skt. *damita-*, *dāhita-*. In *genitus*, opposed to *gnātus*, there is again a strong form of the stem (i.e. normal plus reduced grades), with cognates in O. *Genetāi* and in Celtic. Walde-Hofmann, *Lat. Et. Wb.*, s.vv. *domo*, *gigno*, regard the strong forms as secondary; similarly Ernout-Meillet, *Dict. Étym.*, s.v. *domo*. But Kent, *Forms of Latin*, §420. 1, regards this as a regular Latin process, comparing *laetus* from \*lau-tes, and so in the second conj. *tacitus* from *tacē-re*, etc.

-*āatos*. We may also note that even the metrically suitable *āatos* (\**h-sa-tos*), with initial short in Hesiod, was lengthened in Ap. Rhod. (*āatos*).

Lastly we turn to the meaning of *āaatōs* (and also *āhtōs*) in the light of the new derivation. In the first passage (*Il.* 14. 271) *āaatōs* is the epithet of the water of the Styx, and means 'unlimited, ever-flowing': cf. Hes. *Theog.* 805 *Στυγὸς ἀφθιτον ὕδωρ*, which provides an alternative tautologous formula, of different metrical value, in the established Epic manner.<sup>1</sup> The sense derives from 'fill, give one's fill of'; a source which cannot be filled is one of immeasurable capacity. Compare *ἀπλετος* (*πίμπλημι*: \**pelē-*, \**plē-*, with the same treatment of -*a-* as in \**dhē-*, \**dhā-*, *θετός*):<sup>2</sup> L.S.J. quotes Arist. *Meteor.* 355<sup>b</sup> 23 *ποταμοὶ ἀπλετοὶ τὸ μέγεθος*, also Hdt. 8. 12. 1 *ὕδωρ ἀπλετον* (of rain).

There is another but, I think, less likely possibility; 'insatiable, with appetite unrestrained'. We find *ἀπλήρωτος* used with this sense as an epithet of *Αἰδώς*, *I.G.* 14. 1754; and *ἀπλήρωτος* is attested as a meaning of *āaatōs* by a gloss of Cyrillus (Hesych., ed. Latte, s.v.). This sense would require a transfer from Hades to the waters of the Styx. The nearest early parallel is in *H. Dem.* 259 *ἀμεύκτων Στυγὸς ὕδωρ* ('cruel, implacable'), but this is perhaps not early enough.

In the *Odyssey* (21. 91, 22. 5) *āaatōs* is the epithet of *ἄεθλος*, the crucial contest and trial of skill with the bow between Odysseus and the Suitors which heralds the climax of the poem, the revenge of Odysseus. An impressive word is clearly wanted, and 'insatiable' in the sense of 'making extreme demands, most exacting' will fit here. It is proper to remember that *ἄεθλος* implies something more than a mere game; underlying it are the notions of strain and suffering which are explicit in *ἀθλεύω*, -έω, *ἄθλιος*. Thus Laser (*Lex. frühgriech. Epos*) on the meaning of *ἄεθλος*: '*Mühsal, Anstrengung, die, im Gegensatz zu πόνος, Leiden und Gefahr in sich begreift. Die Bedeutung Wettkampf wahrscheinlich sekundär.*'

In Ap. Rhod. 2. 77 *κάρτος āaatōs* the meaning is 'boundless, immeasurable'; the epithet is transferred from the quality (of *κάρτος*) to the person possessing it. The phrase must be compared with those showing the contracted form *āātōs* (*āh-*): *Il.* 21. 395 *θάρσος āhtōn*, Q.S. 1. 217 θ. *āātōn* (with the epithet applied to the quality). Courage and strength are active, expansive qualities, demanding tasks on which to work and satisfy themselves.<sup>3</sup>

We find some ancient support for these interpretations. Hesychius has *āhtōn*:

<sup>1</sup> In Homer and Hesiod there are four formulae, differing in metrical value. (1) *Il.* 14. 271 *āaatōn Στυγὸς ὕδωρ*; (2) *ibid.* 8. 369 *Στυγὸς ὕδατος αἰνὰ μέεθρα*; (3) *ibid.* 15. 37 (= *Od.* 5. 185, *H. Ap.* 85) *τὸ κατειβόμενον Στυγὸς ὕδωρ* (not equivalent to (2): it is used at the start of the line, with caesura after *κατειβ.*); (4) *Theog.* 805 *Στυγὸς ἀφθιτον ὕδωρ*. In the *Hymns* two of these are duplicated: (5) *H. Herm.* 519 *Στυγὸς ὄβριμον ὕδωρ* (= (4)); (6) *H. Dem.* 259 *ἀμεύκτων Στυγὸς ὕδωρ* (= (1)).

<sup>2</sup> Cf. Lehmann, *op. cit.*, p. 15 for the phonology.

<sup>3</sup> See the account of *āhtōs* by Risch (*Lex. frühgriech. Epos*): he lists the many explana-

tions offered in antiquity, but finds none very satisfying. Of these he prefers connexion with *āhtmi* (cf. *Il.* 21. 386 *θυμὸς āhtō*), as does Verdenius, *Mnemos.*, 1957, p. 248. But in *θυμὸς āhtō* the sense of the verb is 'waver' (in doubt and fear): this is not a very promising parallel for *θάρσος āhtōn*.

*āhtōs* (*Il.* 18. 410 *πέλωρ αἰήτων*, of Hephaestus) does not fit into the picture as a compound of *āw*, either for form (because of -*u-*) or sense. It is attractive to follow the suggestion of Palmer (*Minos* v [1957], 61) to connect it with Mycen. *a-ja-me-no* and a verb 'do, make', used in the special sense of craftsmanship.



ἀκόρεστοι, ἀπληστοί; and ἀήτους· μεγάλας (in Aesch.). Herodian has ἀήτος· ὁ ἀκατάπαυστος: the sense of 'unrestrained' would suit in contexts where it was united with words such as ὀργή, λύπη. For ἀάατος, as already mentioned, the gloss of Cyrillus offers ἀπλήρωτος.

### ADDENDUM

It seems likely that ἀπλητος derives from \**pelē-* (πίμπλημι) and not from \**pelā-* (πελάζω, ἀπλάτος) as in L.S.J., also in Boisacq and Hofmann. ἀπλητος would then stand alongside the reduced grade ἀπλετος, and show the same formation as ἀδμητος, ἀκράτος. It is first found in *H. Dem.* 83 οὐδέ τι σὲ χρή | μᾶψ αὐτως ἀπλητον ἔχειν χόλον, where it means 'insatiable' (anger), and not 'unapproachable'. For the latter meaning in the context—an appeal to Demeter, lamenting her daughter's loss—there is no need; while to say that her anger can find no satisfaction is plainly to the point. The next passage is *Semon.* 7. 32 ff.

τὴν δ' [sc. ἡμέρην] οὐκ ἀνεκτὸς οὐδ' ἐν ὀφθαλμοῖς ἰδεῖν  
οὐτ' ἄσσον ἐλθεῖν, ἀλλὰ μαίνεται τότε  
ἀπλητον ὥσπερ ἀμφὶ τέκνοισιν κύων . . .

This describes the woman who is like the sea, with two characters, one good, one bad. The meaning 'rages so as not to be approached' for μαίνεται ἀπλητον would be very suitable if the same thought had not been just expressed (οὐτ' ἄσσον ἐλθεῖν); we avoid such flatness by again translating 'insatiably'. The other, much later uses of the word are granted by L.S.J. to show the same sense as ἀπλετος, i.e. 'great, abundant': so as epithet of χεῦματα (*Orph. Argon.*), and of αἰθήρ and δῶρα (*Q.S.*). Hence it is nowhere necessary to use the meaning 'unapproachable'.<sup>1</sup>

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<sup>1</sup> I am obliged to Mr. J. Chadwick for criticism, especially on some Mycenaean aspects in this article; it is of course not implied that he agrees with my remarks thereon.

## OCTAVIA PRAETEXTA: A SURVEY<sup>1</sup>

THE *Octavia* is, on the face of it, one of the most bizarre documents which have reached us from antiquity. If the news of its discovery had broken yesterday, there would certainly have been a sensation at the bare idea, whatever the literary merits of the work. A few years ago the publication of a 15-line fragment of a Greek play about Gyges caused discussion enough; but here we have a *complete* Roman historical play, unlike any other ancient play in structure, featuring Nero, Octavia, Poppaea, Seneca. . . .

Surely, one would think, this ought to be an exciting document, from both the literary and the historical point of view.

Why is no one excited?

Little has been written about it in English; if one turns it up in our standard literary handbooks, one will find perhaps a paragraph of cool description and a sentence of freezing criticism; here is a fair example (notice that not even a verb is wasted on the *Octavia*): 'A tedious play, with an excess of lamentation and mythological display' (the latter point is one which we shall certainly have to come back to). In other countries than our own, a great deal has been written. But it is mostly detailed work, scattered in obscure publications; and here the danger is the only too common one, that the play itself tends to disappear entirely from view into a cocoon of *Probleme*.

In view of this indifference—on the one side—and confusion—on the other—it may be helpful at this stage to try to put together the material for judging the play in itself; to survey what can now be said, with certainty or probability, about its design and its authorship. I must say at once that I am not here going to attempt some majestic feat of critical revaluation; I am not out to present the *Octavia* (for one night only) as a first-rate play. But I suggest that if the conclusions of this survey are right, or nearly right, it may prove to be more rewarding than is usually allowed: more interesting as a work of literature, more valuable as an historical document.

The way I mean to go about the problem is: first to construct a picture of the author, his methods and capacities, from the indications in the play, and then, to confront that picture with the picture of Seneca, to whom the *Octavia* is attributed in the manuscript tradition. If those two pictures are congruent, there is no more to be said; if they are not, then we shall have to see what information we can extract from the differences.

Now, first of all, our author is uniquely poised between *myth* and *history*; and we shall learn much about his mind if we examine his attitude to each of these.

<sup>1</sup> The following paper was composed for the meeting of the Oxford Branch of the Classical Association in February 1960; it is printed substantially as it was delivered.

For the literature on the *Octavia*, the reader is referred to Michael Coffey's review in *Lustrum*, 1957, pp. 174 ff.; Helm's article in *Sitz.-Ber. Berlin*, 1934, pp. 283-347 (item 198 in Coffey) remains the most informative con-

tribution produced in recent years. Of editions, C. Hosius's *Octavia Praetexta cum elementis commentarii* (1922) and Th. H. Sluiter's *Octavia Fabula Praetexta* (1949) are both very useful for interpretation. There is as yet no satisfactory critical edition (on the manuscripts cf. the present writer's article in *Rh. Mus.* ci (1958), 353 ff.).

First, his attitude to myth. The best introduction to this question is to look at the company in which his play has come down to us. It is transmitted in one, only, of the two recensions of the Senecan tragedies, that which is called the A-recension. The manuscripts make no distinction between it and the other nine, mythological, plays; it comes not apart, at the end, but next to last in the series. And, in fact, the manuscripts may not be unreasonable in this; for in spite of its historical subject-matter the *Octavia* does not seem nearly so much out of place in this mythological company as one might have expected. In reading through the whole corpus we pass with hardly a jolt from the mythology of Thebes or Mycenae into the reality of the Roman imperial court in A.D. 62—a situation, if anything, more grotesque than any Greek fable, not less.

In the reality itself lay a deep affinity with myth. The author of the *Octavia* saw this fact and exploited it; but not indiscriminately. Take the first extended mythological allusion in the play, lines 58–69. Here Octavia compares herself to Electra, but with this difference: there was still hope that Orestes lived and would return; *Britannicus* cannot return. . . . Then in two separate songs, one near the beginning of the play, one towards its end, we are told of Jupiter's adulterous love-affairs. Nero is Jupiter, Octavia the neglected Juno: this is made explicit in lines 219–20, where she is addressed:

tu quoque terris altera Iuno,  
soror Augusti coniunxque . . .

Once again the parallel is close and natural; and if we should want to press it we should find that it was the myth that fell short; it was the reality that was a degree more abominable.

Now if we add to these examples one 16-line choric song on the power of Cupid,<sup>1</sup> we have completed the tale of mythological allusions of any length in the *Octavia*. Can we really criticize this as an excessive display of mythology, as the handbook did which I quoted earlier? It seems to me that before we venture to do so, we are bound to make a double effort of the imagination, a double allowance. First, the elementary allowance for the fact that antiquity generally thought more naturally than we do in terms of myth (I suppose the house-walls of Pompeii show 'an excess of mythological display' too, if one cares to look at them that way). The second allowance must be for the miasmic imaginative atmosphere of the Neronian court. There is considerable non-poetic evidence that that court was peculiarly prone to comparing—and one might not exaggerate if one said confusing—life with myth, especially with the tragic version of myth. I think it is worth while to pause and explain what I mean by this; it may be that it will affect our appreciation, not only of the *Octavia*, but also of the other, mythological Senecan tragedies, so often criticized for horrific exaggeration and remoteness from reality.

Just after Agrippina was murdered, we remember, placards appeared in

<sup>1</sup> Possibly one should add the rather trite account of the successive ages of the world put into the mouth of Seneca in lines 395–435. But this is hardly a mythological allusion in the strict sense; in intention, at any rate, it is history—the history of the moral decline of the world. That decline

culminates, as it were, on the stage, with the entrance of Nero (line 436; well remarked by F. Giancotti, *L'Octavia attribuita a Seneca*, p. 213)—a highly dramatic touch which, like so much in the Senecan tragedies generally, can only be properly appreciated when the play is read aloud.

the public places of Rome comparing the matricide Nero to Alcmæon and Orestes:

*Νέρων, Ὀρέστης, Ἀλκμέων μητροκτόνοι.*<sup>1</sup>

The people, then, instantly transposed the event into terms of tragedy; but also—and this is where the thing begins to take on a really sinister aspect—Nero himself seems to have accepted his role. From Dio and Suetonius we learn the names of his favourite acting parts, at a time long after the murder, namely: Oedipus; Thyestes; Herakles; *Alcmæon*; *Orestes*.<sup>2</sup> And the most sinister detail of all is the detail that the masks were—at least sometimes—made to look like Nero, or for the female parts, Poppaea. And what of the comments of Vindex, as Dio makes them? (Vindex has just mentioned Nero's 'marriages' to Sporus and Pythagoras, as well as his singing and acting): 'I have seen him bound, I have seen him dragged along; pregnant; in childbirth; *going through everything that is told in myth*:' πάντα ὅσα μυθολογεῖται καὶ λέγοντα καὶ ἀκούοντα καὶ πάσχοντα καὶ δρῶντα.<sup>3</sup> Then we might add Dio's own phraseology, when he reaches Nero's last hours on earth: *Νέρων μὲν τοιαῦτα ἐτραγῶδει...*<sup>4</sup>

If we can trust these sources at all, the dividing line between tragic myth and reality in the Neronian imagination was a wavering one. And I have dwelt on this point because to me it does suggest that we should be in less of a hurry to condemn the author of the *Octavia* either for his use of mythological comparisons, or for casting his whole story into the form of a tragedy. Nero himself, one almost feels, would have approved of it that way.

We can now approach the framing of the tragedy, and the way that myth has influenced our author in doing this. In reflecting on the Neronian court he has evidently been impressed by one mythological parallel above all: the parallel with the court of Mycenae after the murder of Agamemnon. The same thought had already struck the anonymous writers-on-walls of A.D. 59 before him; and (probably) after him, was to strike Juvenal.<sup>5</sup> But with our author we can safely go a little farther, and identify not just the myth, but the particular treatment of the myth, which has impressed him. Many years ago Ladek suggested that it was Sophocles' treatment in the *Electra*. This has been doubted more recently, but only because Ladek obscured a sound case by too much enthusiasm, by finding too many parallels between the Greek and the Roman play. I have no doubt that the *Octavia* is influenced by the *Electra*. The influence is clearest in the *Octavia*'s prologue: the empress's anapaestic song, which opens the play, and her dialogue with the Nurse (partly in anapaests and partly in iambs) remind one very strongly of *Electra*'s entrance-song and her exchanges with the Chorus. And it is in this early part also that the verbal echoes of the *Electra* come thickest.<sup>6</sup>

Now it is worth noticing that the opening scene as a whole of the *Octavia* is the longest in the play (it goes on—and on—until line 272), and also the least satisfactory. Many a gallant reader must have foundered in it, before ever reaching the point where the play begins to move. I have a picture in my mind of an author not much experienced in dramatic writing; moved by the thought

<sup>1</sup> Dio 62. 16. 2; Suet. *Nero* 39.

<sup>2</sup> Dio 63. 9. 4; Suet. *Nero* 21. 3; referring to the Greek tour in A.D. 67.

<sup>3</sup> 63. 22. 5.

<sup>4</sup> 63. 28. 5.

<sup>5</sup> 8. 211 ff.

<sup>6</sup> The chief parallels will be found in

Hosius's notes to *Oct.* 5, 31 f., 37, 43, 66, 137, 169; then 715, 719, 931, 962. A parallel neglected by Ladek and Hosius is that between *Oct.* 18–20 and *Electra* 201–8 (which goes a long way to confirming Helm's suggestion that *nox* should be read in *Oct.* 18 init., *lux* at 20 init.).

of Octavia's situation in 62, and then by its likeness to the *Electra*; sitting down enthusiastically to compose his prologue on Sophoclean lines, and then, as he proceeds with it, rather losing his sense of direction. One cannot of course prove that that picture is the true one; on the other hand, it is an observable *fact* that once the writer is past the prologue and into a situation for which—alas!—the *Electra* with its happy ending can offer no precedent, the movement of his play is much more straightforward.

At our author's elbow, as he sat in the agonies of composition, was myth, the heroic pattern; which now and then (but especially at the beginning) distracted his attention. But squarely facing him was the historical reality, the particular facts. How did he operate with these? The answer to this question throws considerable light on the nature both of the play and of the author.

The date of Octavia's execution on Pandateria is known: it was the 7th July A.D. 62<sup>1</sup>. So the chain of events which led to that crime, and are embraced in the play, must belong to the early summer of that year. How long they took cannot be exactly calculated, but they will hardly fit into less than a month at the lowest estimate. The sequence according to the historians seems to be this:<sup>2</sup>

Order is given for the execution of the exiles Sulla in Gaul, and Plautus in far-off Asia.

Their heads are duly received in Rome.

After this Octavia is divorced, and removed: first to a house in Rome; and then, after an uncertain interval (that word *mox* again!), to Campania. Meanwhile, twelve days after the divorce,<sup>3</sup> Nero marries Poppaea.

While Octavia is in Campania, there is a riot in her favour: and she is charged with adultery and relegated to Pandateria.

Now this sequence, as I say, cannot cover less than a month, and probably covered much more; but it was this sequence that our author took it upon himself to include in a play of less than 1,000 lines.

If one knew only his prologue—which even the most amiable reader could at best describe as being in *rondo* form—one might well expect that the result would be something perfectly shapeless. But in fact this is the point where he begins to astonish. If one is willing to follow his methods closely, one will have to admit that he shapes this material with extraordinary cunning, and with a symmetry of design that is paralleled in no other ancient play. This sounds a large claim, but I think it is no less than the truth. I rush to add that the play is far *too* symmetrically designed to be good drama. (The phrase 'pedimental structure' has been used of the *Octavia*, and I dare say it applies more justly here than it does to most literary works; but those who use the phrase have to remember that no pediment can really avoid a certain stony quality.)

This is how our man set to work: he ignored the receipt of the exiles' heads (though he did include the order for their execution), and he ignored Octavia's withdrawal to Campania. All the other events he kept in their proper sequence and relation; but he telescoped that sequence into *three days* only. His play takes place on the day before the wedding of Nero and Poppaea; the actual wedding-day; and the day after.

<sup>1</sup> Date given indirectly by Suet. *Ner.* 57 init., where he says that Nero died on the same date as that on which Octavia had been executed.

<sup>2</sup> Mostly following Tacitus (*Ann.* 14. 57–64).

<sup>3</sup> This interval rests on Suetonius' authority alone (*Nero* 35. 3).

None of the ordinary English handbooks mentions that this play stands alone in ancient drama in that its action covers three days, not one. But the evidence is there in the text, and unambiguously. Here are the essential references:

592, Nero fixes the following day for the wedding.

646 ff., esp. 646 *festo laetoeque die*, show that it is now the wedding-day.

The whole scene with Poppaea and her Nurse 690 ff., esp. 714-15<sup>1</sup> and 743-4,<sup>2</sup> shows that a night has passed since the wedding.

This division into three days is not just an arbitrary one, not just a handy chronology; on it depends the carefully balanced structure of the play.<sup>3</sup>

The central day—the wedding-day—is given less than 100 lines, but it is the pivot: on either side of it are arrayed, in equipoise, responding scenes; choruses; characters. Let me give a few samples of this symmetry.

The *first* day begins with a discussion—a more rambling one, I suspect, than our unpractised author had intended—between Octavia and her nurse; the *third* day opens with a discussion between Poppaea and her nurse. (All is not well, by the way, in the enemy camp either: Poppaea too suffers; she has seen a really formidable vision on her wedding-night.)

Another example: after the first scene on the *first* day appears a Chorus of Roman citizens loyal to Octavia; the Chorus which appears after the first scene on the *third* day can only consist of courtiers favourable to Poppaea, as their remarks clearly show. (The fact that there are two Choruses is another one for which the handbooks do not prepare the reader.)<sup>4</sup>

Again; the last scene on the *first* day shows us Seneca, a grandiose and mournful figure, pleading with a ranting but dialectically very able Nero to save Octavia's *marriage*; the last scene on the *third* day, apart from the sung Exodus, shows us a Prefect pleading with Nero to save Octavia's *life*. One could add considerably to this list of correspondences; but it is fair to say that once one has assimilated this three-day structure they become obvious.

Yet in spite of this highly artificial design, the author has been very successful in building-in the scattered events which he has chosen for his play; there is internal consistency and smooth progression as one reads it, and at the same time little violence has been done to historical fact, apart from the compression of the time-element.

Of all the characters only one appears on all three days, and that is Octavia. Here is yet another instance of this conscientious designing: she meets us at the beginning of the first day; then on the wedding-morning we have a glimpse of her as she leaves the imperial palace for the last time; finally at the end of the last day, in the Exodus, she is dragged towards the ship before the eyes of the Chorus.<sup>5</sup> There should be no doubt (in spite of some views that Nero is the central figure) that the play is primarily about *her* fate; it is the thought of Octavia in 62 that moved this author to write.

<sup>1</sup> *laeta* nam postquam dies; cf. 646.

<sup>2</sup> Poppaea has seen her vision, in the night before this scene, *amplexu novi haerens mariti* (i.e. Nero).

<sup>3</sup> Cf. Sluiter's preface to his edition of the *Octavia*, pp. 9-11.

<sup>4</sup> Compare Sen. *Agam.* (Mycenaeans and Trojan women), *H.O.* (women of Oechalia

and of Aetolia).

<sup>5</sup> Almost certainly the Chorus favourable to Poppaea: they begin the Exodus with reflections on the unreliability of mob-support (877 ff.): cf. 805 ff. and contrast the attitude of the earlier Chorus of Roman citizens, 683 ff. But this last Chorus too are ultimately moved to pray for Octavia's safety.



And yet he did give that incident a context and a moral; he took care to relate it to the fate of Nero and of the Julio-Claudian house. The way he did it is worth looking at, for to my mind it shows his powers both of design and of execution at their best.

In the early part of the play there are several allusions to an Erinys, a malignant influence on the career of the household; which is identified (not unjustly) with Agrippina.<sup>1</sup> At 593 the curse materializes on the stage in the shape of her ghost, holding one of Hell's torches aloft, which, she says, she is carrying for Poppaea's wedding. We should probably think of this apparition, then, as occurring in the early hours of the wedding-day. Now there is no one but the audience to hear her; her monologue is—and this feature, again, is unique—an *interlude* at the centre of the play; it is a comment. The ghost denounces Nero's past crimes and present luxury, and foretells his lonely death: *desertus ac destructus et cunctis egens*.<sup>2</sup>

So the divorce and murder of Octavia fall into place, as an advanced stage along this Frankenstein's progress. After the prophecy the ghost's tone changes (and to me these last ten lines of the speech are among the most effective in the play): she wishes that she and this monster of her own creation could have died together when he was still in the womb; then he could have looked in peace on the shades of his noble ancestors:

semper quietam cerneres sedem inferum,  
proavos patremque, nominis magni viros,  
quos nunc pudor luctusque perpetuus manet  
ex te, nefande, meque quae talem tuli.  
—Quid tegere cesso Tartaro vultus meos,  
noverca, coniunx, mater infelix meis?

This, then, is the method adopted by the author to show the purport of the incident which forms the action of his play. A piece of outworn tragical machinery, one might think, obviously out of place in an historical drama? I am not so sure. Again we have to recapture the peculiar imaginative atmosphere of the period, the unusually close parallelism between tragedy and life. In this matter of Agrippina, if we can trust Suetonius, the tragic machinery did in fact intrude itself into history. According to him Nero actually believed himself to be tormented by his mother's ghost, and by the Furies: *saepe confessus, exagitari se materna specie, verberibus Furiarum, ac taedis ardentibus*. He even tried to raise the furious spirit, and appease it: *Quin et, facto per Magos sacro, evocare Manes, et exorare temptavit*.<sup>3</sup>

We have now watched the author of the *Octavia* operating on myth, and on the facts of history; the last example, of Agrippina, showing perhaps more impressively than any other the way in which these two elements of his raw material were capable of combining before he had even touched them.

Can we now begin to piece together a picture of his abilities and personality?

To me his most striking quality—and I hope I have said enough to demonstrate it to others too—is that he is a supremely careful designer; his feeling for *pattern* is very strongly developed indeed. But the way he clamped that

<sup>1</sup> Lines 23, 61, 263.

<sup>2</sup> Line 631.

<sup>3</sup> *Nero* 34. We have a contemporary wit-

ness for the fact that Nero did try to summon up *Manes* generally: Pliny, *N.H.* 30. 2.

pattern down on his material in itself suggests the amateur. Here was a man of considerable literary education, certainly, but one who had an only too clear idea of what a tragedy should be; he conscientiously laid his plans, and went bald-headed for the objective. But even these plans he had not the stamina to carry through perfectly. I do not know if anyone has noticed how the length of the scenes and choruses regularly diminishes as the play goes on. The longest scene, as already mentioned, is the first on the first day, with Octavia and her nurse, which takes 272 lines; the corresponding scene on the third day, with Poppaea and her nurse, is 71 lines. The Chorus in the middle of the first day takes 103 lines; on the third day there are two short choruses (apart from the Exodus), and these together add up to 35. The second scene of the first day, between Nero and Seneca, is also the second longest, 225; its opposite number on the third day, the scene between Nero and the Prefect, is now down to a miserable 56.

Our author in fact had a beautifully symmetrical plan, which he grimly adhered to; but as he proceeded he soon began to exhaust his stylistic reserves, and the members of his scheme became shorter and shorter accordingly.

This impression of amateurishness and inexperience becomes more vivid still when we turn from his structure to the details of his *style*. I shall try to substantiate this impression by objective evidence, shortly; but I will anticipate here by saying in general that his resources of vocabulary and even of syntax are limited; and that imagery of any sort does not come naturally to him (when it does come, it usually turns out to be someone else's). To me, he is at his best in those emotional moments when clumsy forthright speech is the only effective speech: the last part of Agrippina's monologue; or the lament for Britannicus earlier in the play.

At this point one remembers with a jolt that the *Octavia* has been transmitted to us under the name of . . . Seneca.

If my picture of our author is right (a careful designer; an inept phrase-maker), one could hardly invent a neater antithesis to him than the Seneca who stands revealed in the uncontested works that have come down under his name. In Seneca we have a life-long, compulsive writer of apparently unlimited verbal resource and dexterity; one who seems not to have been able to write a line of prose or verse that did not crackle with conceit and epigram. No one could ever put a point more effectively—provided that it was not of the sort that needed more than five lines for its expression; for, on the other hand, the true Seneca's sense of design seems from the prose works to have been almost non-existent. (It is obviously more difficult to judge the Seneca tragedies from the point of view of design, because much of this work had already been done for him by his Greek models. But so far as he had any room left to manoeuvre for himself, I can see no trace of the rigid symmetries of the *Octavia*.)

Here we must digress for a moment to distinguish: the symmetry of the *Octavia* seems an important consideration in the question of authorship; the related fact, that the play (unlike any of the Senecan tragedies) covers three days does not. For this reason: any author of an *historical* play, whoever he may be, is likely to have to break with the Unities. Can it be, in fact, that this licence was a traditional feature of the *fabulae praetextae* in general? Of course, there is little enough evidence to go on; only about a dozen titles of *fabulae praetextae* are preserved in all, and pitifully few fragments. But one can see from the fragments



of the best-preserved Republican example, Accius' *Brutus*, that this play certainly ignored the unity of place, and also embraced a series of events which would have fitted only with difficulty into a single day. There was a speech by Lucretia, who should be at Collatia. There was a speech by Tarquin, describing his ominous dream, which at the latest can only be placed on the same morning as Lucretia's, and if so must have been spoken in the camp before Ardea. Finally, there is a fragment referring to *consuls*, which implies a speaker in Rome after the expulsion is over.

Another Republican play, which is called a *praetexta* in the only mention of it there is,<sup>1</sup> is that play by Balbus: *de suo itinere ad Lucium Lentulum proconsulem sollicitandum*. This was produced—by Balbus—at Corduba in 43 B.C. The only other thing known about it is that at least one spectator—Balbus—found the performance very affecting: *flevit memoria rerum gestarum commotus*. But it is hard to see how a play about a journey could have respected the unities either of time or place.

For these reasons, then, I suspect that the *Octavia*'s three-day distribution conforms with the tradition for *praetextae*, and does not in itself provide any evidence against Seneca's authorship. But the symmetry is a different matter; and so, above all else, is the style, to which I now turn. This is where we shall find the clearest indices of the author's personality.

I have already suggested that our author's style in detail seems to me the antithesis of the style of Seneca, as it is seen either in his prose or in his uncontested plays. This began as a mere impression—that I just was not in touch with the same personality in reading the *Octavia*, that the thought and style just had not the same bite as the true Seneca's. But on the other hand I find that several respectable investigators in this and the last generation hold that the play is by Seneca.<sup>2</sup> It is for this reason that I feel bound to recall, and produce, certain hard facts about the *Octavia*'s style.<sup>3</sup>

When we compare this with the style of the mythological tragedies we immediately face a strange anomaly. The vocabulary-range of the *Octavia* is practically identical with that of the rest;<sup>4</sup> a great part of the phraseology is paralleled in one or other of them; and I can see no significant differences in

<sup>1</sup> Pollio (a hostile witness) in Cic. *Fam.* 10. 32. 3 (from Corduba, 8 June 43 B.C.). Balbus' journey was from Caesar's camp to Pompey's at Dyrrachium, for the purpose of discussing with Lentulus the price of his (Lentulus') treason; see Vell. Pater. 2. 51. 3.

<sup>2</sup> They include Flinck, Pease, Paul Maas, and Sluiter.

<sup>3</sup> It does seem that style and structure are the decisive criteria in the question of authorship; there have of course been many contributions based on the play's subject-matter (for example, the fairly accurate prophecy of the manner of Nero's death in lines 619–31). But any argument of this sort turns out in practice to be two-edged: the pro-Senecans can always find a not-impossible retort.

<sup>4</sup> Apart from proper names, the *Octavia* contains rather more than forty words not found in any of the other tragedies. Here is

the list, based on the *Index Verborum* by Oldfather, Pease, and Canter (Illinois, 1918): adimo, adolescentia, audacia, caenum, clementia (*twice*), cometes, commendo, comprobo, confestim, confirmo, consecro, cratis, dementia, destruo (*twice*), discidium, enitor, flammeum (*as noun*), foedare, illustris (*twice*), insitivus, insociabilis, intermitto, iuste (*adverb*), luxuria (*twice*), monumentum, no, obsequium (*thrice*), ominor, praecipio, praefectus (*twice*), praepotens, princeps (*nineteen times*), probitas (*twice*), procreo, proveho (*probably twice*), recole, satelles, senatus (*thrice*), senesco, singuli, solor (*twice*), studium, stulte (*adverb*). Less certain instances, for various reasons (which will appear from the entries in the *Index Verborum*), are: accenseo, excubo, firmus, proavus, respectus (though there is now manuscript testimony for this, *Rh. Mus. ci* [1958], 368), reticeo.

the handling of metre. In fact, so far as its ingredients go, the *Octavia* is as Senecan as any of the others. And yet, these ingredients are present in different proportions, and stirred with less attention to the rules of the art, than in the mythological plays.

The proof of this is a matter of statistics: statistics which were mostly collected some time ago by Helm, and are in print;<sup>1</sup> so there is no need to repeat them in detail. But it does seem that there is need to recall some of the phenomena which Helm showed to exist beyond doubt, and to face their consequences.

The author of the *Octavia* repeated himself to an extent that has no parallel in the other plays; repeated words; phrases; ideas. Here, to give one instance in detail, is a group of words which Helm analysed; only too obviously tragic adjectives, with the force, 'cruel, dire, wretched'. I give the incidence of each word per thousand lines, first in the *Octavia*, then in the play in which the word occurs next-most-frequently:

SAEVUS, *Oct.* 33 per thousand; the highest incidence in any other one play is 18 per thousand in the *Phoenissae*. DIRUS, *Oct.* 18 per thousand, against 12 per thousand in the *Hercules Oetaeus*; then (if I may just give the figures side by side) FERUS, 14 against 8; TRISTIS, 21 against 12; MISERANDUS, 10 against 4; FUNESTUS, 7 against 3; TRUX, 8 against 5.

What the figures mean is that the author of the *Octavia* is using certain tragic words which belong to the vocabulary of the other plays, but far more frequently, in some instances nearly twice as often. This belief that you can make a tragedy by saying *dirus* (for example) as many times as you possibly can belongs, surely, to the same sort of mind as believes that symmetrical planning makes a play; that is, the mind of an amateur.

Helm produces many other statistics of the repetition both of words and phrases in the *Octavia*, which all converge in the same direction. To these tests I should like to add the results of one which I had made before I obtained a copy of Helm's article: I now find that he, and Flinck before him, had thought of it, but had only applied it to one play besides the *Octavia*.<sup>2</sup> Applied to all the Senecan plays it gives some curious results.

I had been struck (as no doubt many other people have been) by the apparently very large number of iambic trimeters in the *Octavia* which end in a disyllabic personal pronoun or possessive: *ego, mei, mihi, meus, tuus, suus*, and so on. Now a Latin line which ends like that is foredoomed to flatness, unless the pronoun is loaded in some way, as (for example) in antithesis. Yet on the other hand no group of words comes in handier for making the last foot of your line, if you are an inexperienced versifier.

The *Octavia* contains 599 iambic trimeters, and of these 120 prove to end in a disyllabic pronoun or possessive: just over 20 per cent. In the nine mythological plays taken together the average of such lines is 8½ per cent.; the highest incidence in any one of the nine is 11½ per cent. in the *Agamemnon*, and the lowest 4 per cent. in the *Phaëdra*. In fact the author of the *Octavia* commits trimeters ending with a disyllabic pronoun more than twice as often as is the average over all the other plays, and nearly twice as often as in the *Agamemnon*.

<sup>1</sup> 'Die *Octavia Praetexta*' in Berlin Akademie Sitzungsberichte, Phil.-hist. Klasse, 1934, pp. 283-347.

<sup>2</sup> Helm op. cit. pp. 317-18; E. Flinck, *De Octaviae Praetextae auctore*, diss. Helsingfors, 1919, p. 44.

How is one to explain a disproportion on this scale, in such a matter? There are of course some turns of style which one can imagine fascinating an author temporarily, so that he might over-use them in one particular period or in one particular work. But this consideration only applies to turns of style which are particularly ornamental or rhetorically effective; and I doubt if anyone will claim that it applies here. Another theoretical explanation might be that the *Octavia* contains characters more conscious of themselves and each other than those of the mythological plays, with more need therefore of personal pronouns; but in that case one has not only got to demonstrate that *Octavia* is more self-conscious than *Medea* (say) or *Phaedra*—and this seems difficult—but one is still left with the fact that so many of the pronouns are worked in, in this in-artistic fashion, at the end of the line. One is driven to admit in the end that the excessive proportion of this type of line cannot result from deliberate choice, from artistic considerations; it must be due to sheer poverty of invention, and very probably to inexperience. It suggests the amateur, the beginner; so do the other statistics worked out by Helm; so do the structural peculiarities. If there is one thing that the play certainly tells us about its author, it is this.

Now a beginner is what Seneca was *not* at the only time when he could have written the *Octavia*. On the assumption that he did write it, of course, it is datable within months; between the Fire of Rome, which broke out on the 19th July 64 and is alluded to in the *Octavia* (lines 831 ff.), and Seneca's suicide in the spring of 65. If we accept, as most people do, that the *Octavia* also alludes to the building of the Golden House after the Fire (lines 624 f.), then the time available is even less; but in any case, the play would have to belong to the very end of Seneca's life.<sup>1</sup>

In short, a case could only be made out for Seneca's authorship on stylistic grounds if the subject-matter of the play allowed it to be dated at the very outset of his career; though even then one would continue to be disturbed by the quite uncharacteristic feeling for design. As it is, the attribution seems impossible.

It does not look as if the *Octavia* can be by Seneca. But it need not necessarily lose interest for that reason. It is true that we are left with *no* means of naming the author—I am not tempted to follow the example of that editor who triumphantly entitled his work *Octavia Praetexta Curiatio Materno vindicata*<sup>2</sup>—but we can make a reasonable guess at the date, on two general grounds.<sup>3</sup>

One promising pointer is the grouping of historical plays, so far as we can make it out, in the history of Roman literature. There are two groups: one large and straggling, the Republican *praetextae*, which begins with Naevius

<sup>1</sup> His prose works of this last period are as powerful in phraseology, and as rambling in design, as ever they were. Both the *Naturales Quaestiones* and the *Epistulae Morales* certainly belong to the time of his retirement; further, the *N.Q.* alludes to an earthquake of Feb. A.D. 63 (6. 1. 2; date disputed, but needlessly, cf. Schanz-Hosius, ii. 700), and *Ep.* 91. 1 to the burning of Lyons in A.D. 64 or 65.

<sup>2</sup> F. Ritter, Bonn, 1843.

<sup>3</sup> There is one line of approach, incidentally, which has been often tried in the past,

but which seems to me impracticable; that is to attempt to show the *Octavia's* dependence on one or other of the Roman historians, or—in extreme cases—the dependence of one or other of the Roman historians on the *Octavia*. But deadlock has been reached here because of the massive uncertainty-factor, the numerous lost works (and lost conversations?) which might have served as common sources. A glance at pages 199–200 of R. Syme's *Tacitus*, vol. i, will show how intricate the problem is.

and continues down to the time of Cicero; and then a strictly limited, compact Imperial group, beginning with a play written by Persius in his boyhood<sup>1</sup> (about A.D. 50, then), and ending with the two historical plays of Curiatius Maternus mentioned in Tacitus' *Dialogus*—the dramatic date of which cannot be later than the end of the seventies.<sup>2</sup> It certainly looks as if there was a Silver Latin fashion for historical plays, which lasted not longer than a generation; and just in the middle of that generation falls the year 64, the *terminus post quem* for the composition of the *Octavia*. But this first consideration can only be a pointer; the evidence for such matters is full of gaps, and even if we could establish for a certainty that there was a particular fashion for historical drama in the period A.D. 50–80 and at no other time under the Empire, that would be no reason why some lone eccentric should not have written one much later on, even in the third or fourth century.

The most certain indication of date is provided by the qualifications of our author, to which we must now return for the last time; because they are not such as a man could have possessed at just any date in antiquity.

If he is not in fact Seneca (as the evidence forces us to admit), then a very significant detail can be added to the picture of him that I have been trying to construct: he is someone who profoundly admires Seneca, and has soaked himself in Seneca's thought and style. He brings the philosopher on to the stage as the very flower and pattern of moralists (is it possible to imagine that the real Seneca would have done this?); and he shows his acquaintance with the prose works by making this stage figure quote almost verbatim, so far as the metre allows, from the *Consolatio ad Helviam*, the moment he enters; while later on, in the dialogue with Nero, there is much borrowing from the *de Clementia*. As for the Senecan tragedies, our author so reproduces their style, vocabulary, and phraseology that he must have known them almost by heart.

In short, anything that one individual can take over from another, our author has taken over from the real Seneca; what he could not take over, and what he has not got, is the master's native force, and that infinite ability to coin a phrase and conjure with an idea.

The relationship between the two which is suggested here is not unparalleled, or even particularly uncommon. One can discern the same phenomenon in all the arts and in most ages; in the twentieth century it might be easiest to illustrate from the spheres of history and literary criticism. The pattern is something like this: someone of real originality creates a new approach and deservedly becomes the fashion; for a few years his way is the *only* respectable way; and there appears a crop of pupils, *epigono*i, who have everything that the master has: his likes, his dislikes, his diction, his sentence-rhythms—everything, that is to say, except his creative force and his original grip of the whole subject. But such movements cannot in their nature last long beyond the lifetime of the master; I should put the extreme limit at a generation after. The master may very well continue to be read beyond that time-limit, but he will then be read *among others*; at that stage it is impossible to conceive of anyone soaking themselves in him and in him exclusively, so that they can reproduce

<sup>1</sup> *Vit. Persii*, lines 44 f. in Clausen's Oxford text: the name of the play was given, but is corrupt.

<sup>2</sup> The plays of this group are: Persius' play; *Aeneas* (?) by Pomponius Secundus,

friend of the elder Pliny; Curiatius' *Cato* and *Domitius*. For evidence and discussion, see Helm's article 'Praetexta' in *R.-E.* xii. 2. 1559 ff.

his style without any apparent intrusive influence—save that which they can never escape: their own personality.

As it happens, we have evidence, first, that Seneca did possess his train of devotees of the type described, and secondly, that the reaction set in speedily. By the nineties A.D., when Quintilian published the tenth book of his *Institutio Oratoria*, the craze was over.<sup>1</sup> Quintilian tells us that earlier in his teaching career he had felt bound to discourage the current over-estimation of Seneca, because of its disconcerting effect on his pupils' style: *tum autem solus hic fere in manibus adolescentium fuit*. 'Tum'; 'fuit': all this is in the past tense; Quintilian is clearly no longer worried by the problem at the time of writing. And to Tacitus, some twenty years later, the Senecan approach is completely out-dated, a fashion of his grandparents: *ingenium amoenum et temporis eius auribus adcommodatum*.<sup>2</sup>

This is to me the strongest argument available—circumstantial though it is—for dating the *Octavia*; if acceptable it means that we can hardly put it *later* than about A.D. 90. The extreme backward limit is fixed at A.D. 64 by the allusions in the play; but if we are to allow the author his share of common prudence, we may prefer to bring it down to some time following the death of Nero.

If the dating is admitted, then the author of the *Octavia* was nearer to the events he describes than any of the extant historians, and very likely lived through them himself. And indeed, unless I am much mistaken, he does not write like a man disengaged from the events, or from the people. Some have described the play as a *Tendenzschrift*, a party pamphlet, against Nero; it does not read like that to me; it reads like an elegy. And if I have found the *Octavia*, in its own modest way, a moving experience, it is not through any of its rather inept rhetorical and tragical adornments. It is because somehow, in spite of them, the fumbling author does convey something of the tragic experience of that time, which we cannot gather from any other quarter.<sup>3</sup>

I should like to end with a passage from him which to me embodies both his strength (which is his real feeling for the tragedy of his story) and his weakness (which is stylistic), and also his utter difference from the real Seneca: the lament for Britannicus in the first scene of the play (166–73). Anyone who has not read these lines before must be warned not to expect any novel imagery, any breath-taking verbal fugue on the theme 'premature death', such as the real Seneca would have produced even against his will. They will see, it is to be feared, a plodding gang of clauses, chained together mostly at the caesura, and phraseology that is not, in detail, new. The drift of the passage is (let us

<sup>1</sup> 10. 1. 125 ff.

<sup>2</sup> The reference is to the funeral oration over Claudius, composed by Seneca and spoken by Nero, *Ann.* 13. 3.

<sup>3</sup> Historical *particulars*, on the whole, we do not expect to recover from the tragedy. None the less, J. P. V. D. Balsdon (in a letter which he kindly allows me to quote) observes two passages where the author shows knowledge of an important point which is stated by none of the extant historians, though it can be inferred from the facts which they record. 'Tacitus makes Poppaea the final cause of Nero's killing his mother. This was in 59. Why then did he not marry her until 62?

My own guess is that he was not going to do this until he was certain that she was going to be more successful than Octavia in producing children. (There is an odd murmur of this in Tac. *Ann.* 14. 1.) In 62 when the dispatch of Octavia came, it was all carried out in a very great hurry. The child of Poppaea was born in January of 63, as the evidence of the Arval Brothers shows. I feel certain that Nero waited until Poppaea was pregnant before he married her. Oddly, the historians do not say so. But our playwright does (181 f., 591). Here we have yet another reason for thinking that the author is a near-contemporary witness.

italicize the clichés): we weep for Britannicus, once the *luminary* of the world, the *prop* of the Augustan line, but now *ashes and a shade*; even his *cruel stepmother* Agrippina wept for him when she committed him to the pyre, and the flame devoured a form like . . . *Cupid's*.

Yet there remains a pathos in the clumsy lines which makes me wonder whether the man who wrote them had not perhaps watched the funeral. Let him speak in his own words . . . whoever he is:

tu quoque extinctus iaces,  
deffende nobis semper infelix puer;  
modo sidus orbis, columen augustae domus,  
Britannice—heu me—nunc levis tantum cinis,  
et tristis umbra; saeva cui lacrimas dedit  
etiam noverca, cum rogis artus tuos  
dedit cremandos, membraque et vultus deo  
similes volanti flamma fervens abstulit.

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## NOTES ON CHRONOLOGICAL PROBLEMS IN THE ARISTOTELIAN *ἈΘΗΝΑΙΩΝ ΠΟΛΙΤΕΙΑ*

It is obvious that A.P.<sup>1</sup> attached importance to chronology and considered it his business to supply his sketch of Athenian constitutional development, at every stage, with such chronological indications as were available. Thus his account of Peisistratos (14 ff.) largely follows Herodotus (1. 59 ff.), but with the addition of a more detailed chronology of the tyrant's comings and goings (and some other matter derived from the Attidographers).<sup>2</sup> From the archonship of Solon to that of Xenainetos he has constructed what is evidently intended to be a continuous chronological chain, by marking the intervals between events. The main points are the archonships of Solon, Komeas, Philoneos, Harpaktides, and Kallias (412/11). Intermediate events are attached in subordinate chains. The system may be most clearly elucidated in diagrammatic form, as in the accompanying figure (see next page).<sup>3</sup>

The main chronological problems in A.P. arise, of course, in the cases where the connecting-links in the chains are, or appear, defective. These problems have three interrelated aspects: doubtfulness of the text, uncertainty of the interpretation, and suspicion as to the correctness of A.P.'s data. Difficulties crop up in the following date-series, which I propose to treat in reverse chronological order:

- I. Theopompos-Kallias (34. 1);
- II. Nikodemos-Hypsichides (22. 8);
- III. Isagoras-Hermokreon-Phainippos (22. 2-3);
- IV. Chronology of Peisistratos and his sons (14-19);
- V. Solon-Komeas (13. 1-14. 1).

### I. *Theopompos-Kallias*

This is not a difficult problem, but is included for its bearing on the general textual question.

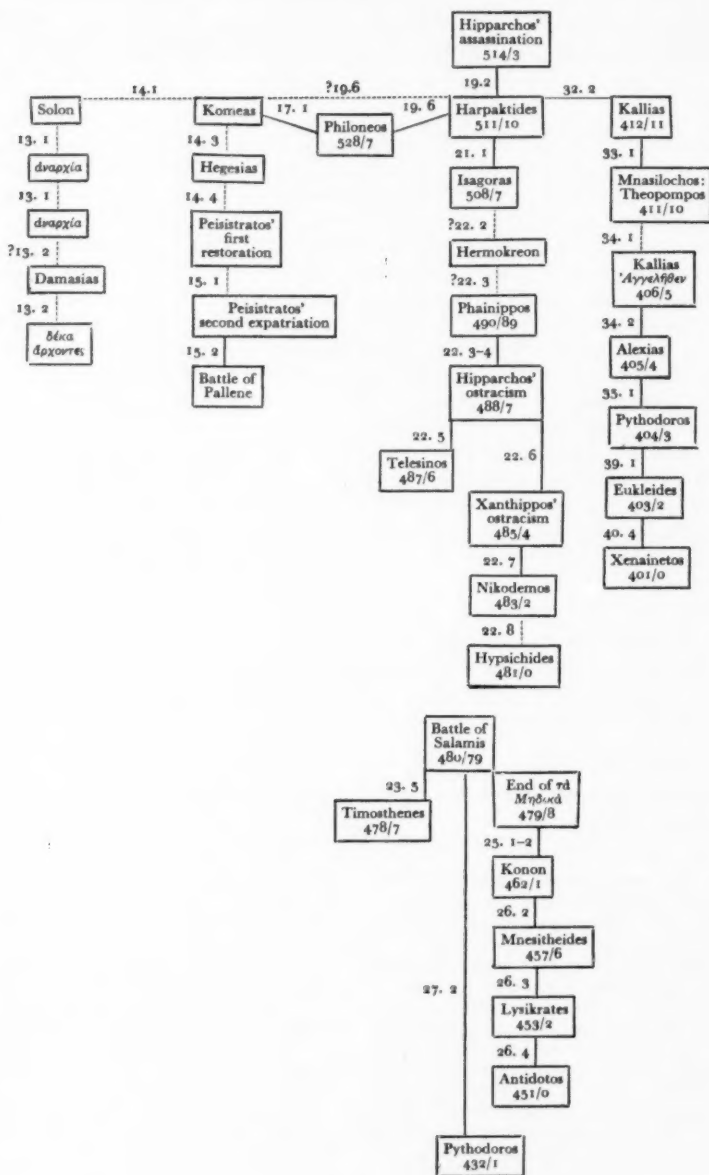
In 34. 1—*ἔτει δ' ἐβδόμῳ μετὰ τὴν τῶν τετρακοσίων κατάλυσιν, ἐπὶ Καλλίου τοῦ*

<sup>1</sup> I propose to use this abbreviation to refer to the treatise and its author indifferently. I do not intend to go into the question of authorship. That the work belongs to the Aristotelian corpus, no one, of course, disputes. C. Hignett in his *History of the Athenian Constitution* (1952), pp. 27 ff., has lately challenged the generally accepted attribution to Aristotle himself, and has restated the opinion that the work was written by one of Aristotle's pupils. A decision on the authorship question is not essential to the discussion of A.P.'s chronology. The question crops up at one point: the discrepancy between A.P. and Aristotle, *Politics* 1315<sup>b</sup>29 ff., on the chronology of Peisistratos and his sons (see pp. 39, 41 f. below). The discrepancy is unimportant and easily accounted for, and it is immaterial whether the pupil or

the master is amending what was said in the *Politics*.

<sup>2</sup> Cf. F. Jacoby, *Atthis* (1949), pp. 152 ff., 188 ff.

<sup>3</sup> Names appearing without other indication are those of archons. Only archons given in A.P. are listed. Dates are added where no reasonable doubt about them can exist. (See especially T. J. Cadoux on 'The Athenian Archons from Kreon to Hypsichides', *J.H.S.* lxviii (1948), 70 ff., where some of the archon-dates up to 481/0 are fixed definitively and the determination of others is facilitated by clear and careful discussion.) I have added the relevant references in A.P. Dotted lines, the absence of a line, and question-marks, indicate the existence of problems of various kinds about the chronological links concerned.



Ἀγγελῆθεν ἄρχοντας—the interval *ἔτει ἐβδόμῳ* is incorrect. Kallias' year (406/5) is only the sixth (by inclusive reckoning) from that of the overthrow of the Four Hundred in 411/10, the year of Theopompos (33. 1). That A.P. made the mistake is far less likely than that the correct figure *ἔκτω* was corrupted to *ἐβδόμῳ*, and the emendation has to be accepted.<sup>1</sup> With the use of numeral signs *ς'* would easily be corrupted to *ζ'*.<sup>2</sup>

## II. Nikodemos-Hypsichides

In 22. 8—*τετάρτῳ δ' ἔτει κατεδέξαντο πάντας τοὺς ὠστρακισμένους ἄρχοντας Ὑψιχίδου, διὰ τὴν τοῦ Ξέρξου στρατείαν*—there is a clash between *τετάρτῳ ἔτει*, which must mean the fourth year from the previous time-note (22. 7)—the archonship of Nikodemos in 483/2<sup>3</sup>—and must therefore point to the year 480/79, and, on the other hand, *ἄρχοντας Ὑψιχίδου*, which cannot point to that year because the archon of 480/79 was unquestionably not Hypsichides, but Kalliades. The solution that has naturally suggested itself is to emend *τετάρτῳ* to *τρίτῳ*, thus making the archonship of Hypsichides fall in the vacant year 481/0.<sup>4</sup>

There is, however, much that is unsatisfactory about this emendation. If 22. 8 refers to the year 481/0, then according to A.P. it was in that year that the Athenians 'received back all the ostracized'. Now Herodotus evidently believed that the ostracized Aristides did not return to his fellow countrymen until just before the Battle of Salamis. He says (8. 79. 1): *συνεστηκότων δὲ τῶν στρατηγῶν, ἐξ Αἰγίνης διέβη Ἀριστείδης ὁ Λυσιμάχου, ἀνὴρ Ἀθηναῖος μὲν, ἐξωστρακισμένος δὲ ὑπὸ τοῦ δήμου* . . . (cf. 8. 81). This is Herodotus' first mention of Aristides. He is explaining why Aristides had been in Aegina instead of with his own people: he was an Athenian all right (*μὲν*), but he had been in exile (emphasized by *ἐξ-*) through ostracism. Herodotus definitely implies, though perhaps wrongly, that Aristides, when he crossed over from Aegina, was returning from exile.<sup>5</sup> So, according to Herodotus, it would not be the case that 'all the ostracized' were received back in 481/0; at least one of them, the most distinguished of them, came back, according to him, in 480/79.

Plutarch (*Aristeid.* 8; cf. *Themist.* 11) says that in the third year from Aristides' ostracism, 'while Xerxes was marching through Thessaly and Boeotia against Attica', the Athenians passed a decree for the return of the exiles. From a chronological point of view this is a very odd statement. Xerxes' march through Thessaly and Boeotia includes the Thermopylae engagement, and the length of time indicated must be about a month, from early August to early September 480: that is, in 480/79.<sup>6</sup> But the third year from Aristides' ostracism in 483/2

<sup>1</sup> Wilamowitz-Kaibel, ed. 2 (1891), ad loc.

<sup>2</sup> Cf. Jacoby, *Atthis*, p. 379, n. 141, Cadoux, op. cit., p. 83, n. 50 on use of numeral signs in A.P.

<sup>3</sup> 483/2 for Nikodemos is given by Dion. Hal. *A.R.* 8. 83. 1, and follows from A.P. 22 when this chapter is interpreted correctly. The facts are established beyond question by Cadoux, op. cit., p. 118. It is not necessary to repeat his demonstration (cf. also Hignett, op. cit., pp. 336-7) that *τετάρτῳ ἔτει* cannot be explained by connecting it with the ostracism of Aristides (22. 7 *fin.*) and then dating the ostracism to 484/3 instead of

483/2. Cf. also J. Labarbe, *La loi navale de Themistocle* (1957), pp. 87 ff.

<sup>4</sup> Wilamowitz-Kaibel, ad loc.; cf. Wilamowitz, *Aristoteles und Athen* (1893), i. 25; Cadoux, Hignett, loc. cit. (previous note).

<sup>5</sup> Cf. How and Wells, *Commentary on Herodotus*, ii. 262 (ad 8. 79. 1).

<sup>6</sup> Cf. Busolt, *Gr. Gesch.* ii<sup>2</sup>. 673-4, n. 9. The earlier dates proposed by J. Labarbe, op. cit., pp. 91-93, n. 3 (cf. *B.C.H.* 1954, pp. 20-21), viz. 24 July to mid-August, are open to the objection that the interval left between Xerxes' arrival in Attica and the battle of Salamis is improbably long.

(A.P. 22. 7) is 481/o. Thus Plutarch's date for the decree is equivalent to 'in 481/o, during early 480/79'! The explanation seems obvious. Plutarch is combining two sets of data about the recall of the ostracized: (1) that the decree for recall of exiles was passed in the third year from Aristides' ostracism—or in the archon-year 481/o (or both); (2) that the actual return of the ostracized took place in 480/79, while Xerxes was on the march through central Greece. As a result he produces a contradiction rather similar to that found in the present text of A.P. The difference is that Plutarch refers explicitly to the decree (*Arist.* 8, ἐψηφίσαντο; *Them.* 11, ψήφισμα), whereas A.P.'s word κατεδέξαντο, while implying the decree (cf. also the following sentence of 22. 8), covers as well the actual return of the ostracized.

Thus the evidence of Herodotus and Plutarch makes it probable that 480/79 is the date intended in A.P. 22. 8. The correct solution to the textual problem, then, is not to emend τετάρτῳ to τρίτῳ, but to excise ἀρχοντος Ὑψιχίδου. This is easily justified. A.P. set the return of the ostracized in the fourth year from Nikodemos' archonship and Aristides' ostracism. But his text was annotated from the source which, directly or indirectly, supplied Plutarch with the information about the ψήφισμα. This source, presumably an Atthis,<sup>1</sup> dated the decree in the third year from Aristides' ostracism and probably by the archonship of Hypsichides; there may well have been documentary evidence. Because A.P. 22. 8 was read as referring to the decree by κατεδέξαντο, a marginal note of the archon-year was inserted and thus ἀρχοντος Ὑψιχίδου crept into the text.

This hypothesis is made virtually certain on consideration of A.P.'s formula for archon-dates. He habitually refers to archon-years in the formula ἐπὶ τοῦ δεινός ἀρχοντος or occasionally ἐπὶ τοῦ δεινός.<sup>2</sup> Thus ἀρχοντος Ὑψιχίδου is doubly at variance with A.P.'s formula—in the omission of the preposition ἐπὶ and in the word order. On linguistic grounds alone it would deserve to be bracketed.<sup>3</sup>

With the removal of Hypsichides, A.P. 22. 8 now refers unambiguously to the year 480/79. A further advantage of the excision is that it repairs the break in the chronological chain between 22. 8 (τετάρτῳ ἔτει: 483/2–480/79) and 23. 5 (ἔτει τρίτῳ μετὰ τὴν ἐν Σαλαμῖνι ναυμαχίαν: 480/79–478/7).

There remains the more difficult question whether A.P.'s dating of the general return of the ostracized to 480/79 is correct. It is supported by Herodotus apropos of Aristides, but this evidence is not of overwhelming authority. If the decree of recall was passed in 481/o, such a last-minute appearance by Aristides as Herodotus indicates seems most improbable. But Herodotus may not be the only evidence. Something was known about the movements of Xan-

<sup>1</sup> The decree of amnesty is mentioned, without exact date, by Andocides, *Myst.* 107 ff., cf. 77. Philochoros refers (*F.G.H.* F 30) to the new regulation prohibiting the ostracized from residing ἐντὸς Γεραίου (cf. A.P. 22. 8).

<sup>2</sup> Cf. 4. 1; 14. 1, 3; 17. 1; 19. 6; 21. 1; 22. 2, 3, 5; 23. 5; 25. 2; 26. 3, 4; 27. 2; 32. 1, 2; 33. 1; 34. 1, 2; 35. 1; 39. 1; 40. 4; 41. 1; 54. 7. The only other exception is at 22. 7 where the Berlin papyrus has Νικοδήμου ἀρχοντος (confirmed as to the name by Dion. Hal. 8. 83. 1), but the London papyrus reads Νικομήδους ἀρχοντος. There is no chronological difficulty, but the discrepancy about

the name, and the omission of ἐπὶ, arouse suspicion of interpolation. The excision of the phrase would make no difference to the sense. If it is retained, ἐπὶ ought definitely to be read before Νικοδήμου.

<sup>3</sup> The omission of ἐπὶ and the order ἀρχοντος τοῦ δεινός are characteristic of some later practice as seen, for example, in *Marmor Parium* and Dion. Hal. *A.R.* (*passim*). Of course Hypsichides is to be rejected only from the text of A.P., not from the archon-list, where he evidently belongs in the year 481/o. (This interpolation is the only testimony to his existence.)

thippos, another of the ostracized, at this time.<sup>1</sup> Obviously the fact that Xanthippos took part in the evacuation of Attica about the beginning of September is not inconsistent with what A.P. says. Nor need the passage of the decree of recall in 481/0 be irreconcilable with A.P.'s statements. The decree could belong to the end of Hypsichides' archon-year, so that, allowing an interval for news of it to be disseminated, the return of the ostracized could well fall in the next archon-year. The fact that Aristides commanded the Athenian hoplites in the capture of Psyttalea has been taken to prove that he had been elected *strategos* in 481/0.<sup>2</sup> But the situation was one of unique emergency, and it would be absurd to suppose that the Athenians must have deprived themselves of Aristides' services and abilities unless he had already been elected general. This would have negated what must have been the principal motive of the amnesty. There are in any case alternative possibilities with regard to Aristides' command: the generalship of his tribe could have been kept vacant for him, the general elected by his tribe could have resigned in his favour, or he could have been elected supernumerary general. These are mere conjectures. But so is the theory under consideration; and at least they do not contradict the rest of the evidence.

There seems no good reason for rejecting the data supplied by A.P. From Plutarch we may take the date of the decree (481/0). Herodotus' evidence needs treatment. The only reasonable explanation of his impression that on the eve of Salamis Aristides returned from exile in Aegina is that he has confused two returns from Aegina, once from exile, the second time from a mission.<sup>3</sup> Herodotus was too close to these events to make it likely that he was mistaken about the place of Aristides' exile, but he could have confused the two journeys.

A possible time-table would be:

c. beginning April	Xerxes sets out from Sardis (Herod. 7. 37).
Early June	Xerxes starts from Sestos (Herod. 8. 51).
c. Skirophorion (?June/July) 481/0	Decree for recall of exiles.
Early August	Xerxes starts from Therma. <sup>4</sup>
c. Hekatombaion (?July/ August) 480/79	Return of ostracized; Aristides from Aegina; specially appointed general.
Early September	Xanthippos, Aristides take part in evacuation of Attica. Aristides to Aegina.
c. 27/28 September	Aristides from Aegina to Salamis. <sup>5</sup>

### III. *Isagoras-Hermokreon-Phainippos*

The main difficulty here is in 22. 2—*πρώτον μὲν οὖν ἔτει πέμπτῳ μετὰ ταύτην τὴν κατάστασιν ἐφ' Ἑρμοκρέοντος ἀρχοντος τῇ βουλῇ τοῖς πεντακοσίοις τὸν ὄρκον ἐποίησαν ὃν ἔτι καὶ νῦν ὁμνύουσιν*. If the dating point provided by *κατάστασιν* is identified with Kleisthenes' legislative activity in the year of Isagoras' archonship, 508/7 (21. 1), then the archonship of Hermokreon is made to fall in 504/3. But (a) the succeeding chronological indication is *ἔτει μετὰ ταῦτα δωδεκάτῳ* for

<sup>1</sup> Cf. Philochoros, *F.G.H.* F 116; Plut. *Cato Maior* 5.

<sup>2</sup> Herod. 8. 95. Cf. J. B. Bury, *C.R.* x (1896), 414 ff.

<sup>3</sup> Probably to convey Athenian refugees

(Grundy, *Great Persian War* [1901], p. 390) rather than to fetch the Aeacidae (Bury, loc. cit.); cf. How and Wells, op. cit. ii. 262.

<sup>4</sup> Cf. Busolt, *Gr. Gesch.* ii<sup>2</sup>. 680, n. 1.

<sup>5</sup> Cf. *ibid.* 703, n. 3.

the Battle of Marathon and the archonship of Phainippos (22. 3), and it is impossible to put them in the twelfth year from 504/3. And (b) according to Dionysius (*A.R.* 5. 37. 1) the archon of 504/3 was Akestorides.

Evidently the phrase in 22. 2 does not afford a safe foundation for dating the archonship of Hermokreon. Instead it must be dated from 22. 3—in the twelfth year before the Battle of Marathon and Phainippos' archonship, i.e. 501/0.<sup>1</sup> Hence the link to be repaired is that between the archonships of Isagoras and Hermokreon.

Cadoux<sup>1</sup> mentions three possible solutions: (1) to emend πέμπτω to ὀγδόω in 22. 2; (2) to suppose that A.P. has made a mistake in attaching the name of Hermokreon to the first clause of 22. 2 (institution of bouleutic oath) instead of to the second (election of ten generals); (3) to assume that κατάστασιν in 22. 2 refers to the 'new laws' mentioned in 22. 1, and that these were passed in the fifth year before Hermokreon, namely 505/4.<sup>2</sup>

The first solution is certainly the simplest. Yet the hypothesis of a corruption arising from the use of numeral signs<sup>3</sup> is not very satisfactory here. There is no self-evident reason why η' should have been confused with ε'.

The second suggestion, in the form in which Cadoux represents it, is inadmissible. Except when detailing events of successive years, A.P. invariably states the interval between events and does not rely on the archon's name alone for the indication of the date. Therefore, it would be necessary to conjecture that the indication of the interval separating the two items in 22. 2 had disappeared from the second clause: thus, ἔπειτα <ἔτει δ'> στρατηγούς κτλ. Palaeographically, this is not impossible. But A.P.'s 'mistake' in misplacing Hermokreon now becomes even more incredible. It would be better to assume a copyist's mistake and transpose Hermokreon to the appropriate place in the text. This would now read ἔπειτα <ἔτει δ' ἐφ' Ἑρμοκρέοντος ἄρχοντος> κτλ. But the emendation is no longer plausible. This second solution cannot be seriously entertained.

The third suggestion is not presented in an acceptable form either. In this case, too, it would be necessary to suppose that the indication of the interval between Kleisthenes' legislation in the archonship of Isagoras, 508/7, and the 'new laws' in 505/4, had fallen out of the text, presumably in a lacuna after 22. 1.<sup>4</sup> Actually there are other points in favour of the hypothesis of a lacuna here. First, it is odd that A.P., after having mentioned ὁ περὶ τοῦ ὁστρακισμοῦ νόμος, should have offered nothing by way of explanation of it. Then, as the text stands, πρῶτον μὲν οὖν is difficult to interpret. According to Cadoux, 'the words . . . suggest that what follows is the first example of the new legislation'. In that case, the καινοὺς νόμους of 22. 1 would not be included in the connotation of ταύτην τὴν κατάστασιν in 22. 2, if the first example of them was in the fifth year (501/0) after the κατάστασις (505/4 or 508/7–505/4). This makes for a very strained reading of the text. As it stands, ταύτην τὴν κατάστασιν can only be understood as including the new legislation. If ἔτει πέμπτω is retained, then, there are these items missing: a time-note showing that the κατάστασις extended to 505/4 by virtue of the new legislation; a referend for πρῶτον μὲν οὖν; and these missing links may have been present in a context providing exegesis of the ostracism law.

<sup>1</sup> See Cadoux, *op. cit.*, p. 116; cf. Hignett, *op. cit.*, p. 337.

<sup>2</sup> Cf. F. Schachermeyr, *Klio*, 1932, p. 347, on which Hignett, *loc. cit.*

<sup>3</sup> Kenyon, *ed.* 2 (1891), p. 57.

<sup>4</sup> A. W. Gomme, *J.H.S.* xlv (1926), 176 n. 12, mentions the possibility of a lacuna here; cf. also his *Commentary on Thucydides*, i. 132.



There do not appear to be completely adequate criteria for a firm decision between emending *πέμπτω* and assuming a lacuna. However, if *ὀγδόω* is read, there remains some difficulty about *πρῶτον μὲν οὖν*. For if there is no lacuna, the *κατάστασις* refers only to the legislation of 508/7, and not to the new laws (which in the context is still strained, but perhaps just possible); and *πρῶτον μὲν οὖν* indicates that the first example of the new laws was the bouleutic oath (501/0), followed in the same year apparently by the regulation of the election of generals. But the ostracism law was one of Kleisthenes' new laws (22. 1). It must therefore be either a third law of 501/0 or of even later date. The renewal of legislative activity by Kleisthenes as late as 501/0 may be possible, but is perhaps not probable. It must be noted, too, that the verbs of 22. 2 (*ἐποίησαν* and *ἤρουντο*) are against the idea that the bouleutic oath and the regulation of the election of generals are attributed by A.P. to Kleisthenes. On the whole, then, the balance of probability appears to incline towards the hypothesis of a lacuna between 22. 1 and 22. 2. In that case, A.P. dates the ostracism law and other new laws of Kleisthenes to 505/4, or, more probably, during the period from 508/7 up to and including 505/4.<sup>1</sup> The introduction of the bouleutic oath and the regulation of the election of generals are not attributed to Kleisthenes, and are assigned to 501/0, the year of Hermokreon's archonship. With regard to the generalship, this is certainly odd, because one would have expected changes here to have gone hand in hand with the institution of the ten tribes in 508/7. There is, however, no possibility of making A.P. say that, and indeed it may be dangerous to reject his testimony here. It is not impossible that the reorganization of the army lagged behind the political reorganization, especially as Athens was engaged in constant warfare for some years after 508/7.

#### IV. *The Chronology of Peisistratos and his Sons*

There is a particularly extensive literature on this topic.<sup>2</sup> But it must be frankly admitted that, so far as concerns the reconstruction of A.P.'s chronology, most of it is of no great assistance. The main reason for this can be stated quite simply. An absolutely certain emendation of the numeral in A.P. 14. 4 was proposed by Wilamowitz soon after the first publication of the London papyrus.<sup>3</sup> The majority of scholars have failed to take account of it, and consequently, because of the catenate nature of A.P.'s chronological system, their reconstructions are necessarily erroneous. There is perhaps some excuse in that Wilamowitz

<sup>1</sup> Stated thus, the third solution escapes the criticisms of Hignett (op. cit., p. 337, cf. 159), who does not take into account the possibility of a lacuna. It may be added that in rejecting the evidence of A.P. in favour of his interpretation of a fragment of Androtion (F.G.H. F 6) preserved by Harpokration, Hignett (pp. 159 f.) disposes too easily of the high probability that Harpokration is not quoting verbatim but summarizing from *Ἀνδροτίων ἐν τῇ β'*, and in the process has garbled the meaning; and that what Androtion wrote was not *τοῦ περὶ τὸν ὀστρακισμόν νόμου τότε* [488/7] *πρῶτον τεθέντος διὰ τὴν ὑποψίαν τῶν περὶ τὸν Πεισιστράτον, ὅτι δημαγωγὸς ὦν καὶ στρατηγὸς ἐτυράννησεν*, but is to be recovered precisely from A.P. 22. 3—*τότε* [488/7] *πρῶτον ἐχρήσαντο τῷ νόμῳ τῷ*

*περὶ τὸν ὀστρακισμόν, ὃς ἐτέθη διὰ τὴν ὑποψίαν τῶν ἐν ταῖς δυνάμεσιν, ὅτι Πεισιστράτος δημαγωγὸς καὶ στρατηγὸς ὦν τύραννος κατέστη*. Hignett does not consider this point, but is content to demolish the obviously untenable view that Harpokration is really misquoting A.P. If the point is taken, the alleged conflict between the sources withers away.

<sup>2</sup> See Schachermeyr, *R.E.* xix. 1, s.v. *Peisistratos*, esp. 171 ff.; Jacoby, *Atthis*, esp. pp. 370–80, nn. 95–151; most recently F. Heidbüchel, 'Die Chronologie der Peisistratiden in der Atthis', *Philologus* ci (1957), 70 ff., giving a conclusive refutation of Jacoby's reconstruction in *Atthis*, pp. 188–96.

<sup>3</sup> See below, p. 40, n. 3.

himself rather discredited the emendation by getting into a curious muddle over his own reconstruction of the chronology.<sup>1</sup>

With regard to that part of A.P.'s chronology which is to be discussed in this (and the following) section, an observation derived from the discussions in the preceding sections merits some emphasis. In all the chronological references between the archonships of Harpaktides and Xenainetos, in only two cases at most (22. 2 and 34. 1), probably only in one (34. 1), is it necessary to alter the numeral denoting the time-interval in A.P.'s text. This is enough to show that the tradition of the papyrus is not 'bad'.<sup>2</sup> It follows that for the period now to be considered, alterations of the numerals ought to be made as sparingly as possible and only when indubitably necessary. Two of the numerals can be seen to be beyond doubt corrupt, because they set up internal contradictions in A.P.'s chronology (at 14. 4 and 19. 6). These have to be emended. But for the rest A.P.'s data are self-consistent, and the text deserves to be treated with respect.

A.P. has provided dates for the first usurpation, the two expatriations, and the two restorations of Peisistratos, events previously recorded by Herodotus (1. 59 ff.) without exact dating: also a date for Peisistratos' death, which Herodotus does not mention. But one of the figures in A.P.'s text is unquestionably corrupt: *ἔτει δωδεκάτῳ μετὰ ταῦτα* (14. 4). This can only mean the twelfth year from the preceding time-note, that is, from the date of the first expatriation (14. 3).<sup>3</sup> This gives 11 years for the duration of Peisistratos' first exile. With the 10 years of his second exile (15. 2, corroborated by Herodotus 1. 62. 1), we should have 21 years of exile in all. This makes an internal contradiction since A.P. 17. 1 records that Peisistratos ruled for 19 out of the 33 years between his first usurpation and his death, and was in exile for the rest, i.e. for only 14 years. These figures are not corrupt, as is shown by comparison of A.P. 17. 1 and 19. 6, Herodotus 5. 65. 3, and Aristotle, *Politics* 1315<sup>b</sup>32 (see below). Therefore, on grounds of internal consistency there must be corruption in the figures for the first or second exile. But the figure in 15. 2 is confirmed in Herodotus. Therefore, *δωδεκάτῳ* in 14. 4 must be corrupt and requires emendation.

There are no grounds of comparable cogency for altering the other figures representing the intervals of Peisistratos' adventures. The fact that the interval *ἔτει μάλιστα ἐβδόμῳ* in 15. 1 is immediately characterized as *οὐ πολλὸν χρόνον* can hardly be considered an adequate reason for rejecting the figure. The number is definite; the description is relative and subjective. Similarly one is scarcely entitled to assume that A.P. could not have interpreted Herodotus' *μετὰ οὐ πολλὸν χρόνον* (1. 60. 1) as being consistent with the interval *ἔκτω ἔτει* (A.P. 14. 3).<sup>4</sup>

There is no difficulty in determining the correct emendation for *δωδεκάτῳ* in 14. 4, when the other interval figures provided by A.P. are taken into account. In 17. 1 figures are given for the interval between Peisistratos' original usurpation and his death and for the duration of his rule: *ἄφ' οὗ μὲν κατέστη*

<sup>1</sup> See below, p. 48, n. 4.

<sup>2</sup> I refer to Jacoby's remark in *Atthis*, p. 194.

<sup>3</sup> A. Bauer's proposal (*Lit. u. hist. Forsch. zu Arist. Ath. pol.* [1891], p. 50) to read *μετὰ ταύτην*, meaning the 12th year from the first usurpation is unacceptable: (a) this is contrary to A.P.'s system (cf. Jacoby, *Atthis*,

p. 378, n. 135); (b) it makes the combined exiles too long (16 years).

<sup>4</sup> Cf. Gomme, *J.H.S.* xlv (1926), 173 f., 177. For the assumption here challenged see, e.g., Jacoby, *Atthis*, p. 377 n. 128; Heidbüchel, *op. cit.*, pp. 84 ff. The majority of scholars cited by Schachermeyr, *R.E.*, loc. cit. 171 f. accept *ἔκτω ἔτει*. (See further p. 44 below.)

τὸ πρῶτον τύραννος ἔτη τριάκοντα καὶ τρία βιώσας, ἀ δ' ἐν τῇ ἀρχῇ διέμεινεν ἐνὸς δέοντα εἰκοσι. The figure of 33 years is confirmed by Aristotle, *Politics* 1315<sup>b</sup>31 ff. The figure of 19 years can be confirmed as the figure intended by A.P. through the following argument. First, A.P. appears in contradiction with the *Politics* which gives 17 instead of 19 years for the duration of Peisistratos' tyranny. Since A.P. is later than the *Politics*,<sup>1</sup> the discrepancy may be deliberate on A.P.'s part. At any rate the reason for it is not far to seek. The *Politics* assigns 35 years to the combined rules of Peisistratos (17) and his sons (18). Herodotus, on the other hand, gave a total of 36 years (5. 65. 3). A.P., who follows Herodotus closely, retains the figure of 36, and thus assigns 19 years to Peisistratos and 17 to his sons (19. 6).<sup>2</sup>

At this stage it is to be noted that it is entirely wrong to suppose that A.P.'s 19 years represent only the last period of Peisistratos' tyranny: i.e. that A.P. indicates this period as running from 546/5 to 528/7 (inclusive reckoning). Apart from the fact that A.P. does not normally use inclusive reckoning with cardinal numbers,<sup>3</sup> the interpretation is ruled out by the clause immediately following the above citation from 17. 1: ἔφειγε γὰρ τὰ λοιπά. τὰ λοιπά can only mean the remainder of the 33 years after subtracting the 19 years during which Peisistratos was in power. Therefore he was in exile for these remaining 14 years. And therefore the 19 years are to account for all three of the periods of tyranny assigned to Peisistratos by A.P. (and Herodotus and Aristotle).<sup>4</sup>

This being so, we are in a position to determine the length of the three periods. The first is indicated by ἕκτω ἔτει, the second by ἔτει μάλιστα ἑβδόμῳ, and no figure is given for the third. But it can be inferred from the data that the periods lasted 5, 6, and 8 years respectively, according to A.P.<sup>5</sup>

It follows that, according to A.P., Peisistratos died in the ninth year of his third period, this being the year of Philoneos' archonship (528/7).<sup>6</sup> Therefore, this period began in 536/5. The latter year was the eleventh from the beginning of his second exile (A.P. 15. 2; Herod. 1. 62. 1), which therefore began in 546/5.

<sup>1</sup> Cf. Sandys, ed. 2 (1912), pp. xlix ff.

<sup>2</sup> See further p. 41, n. 3, pp. 41 f., and p. 46 below.

<sup>3</sup> Cf. p. 42, n. 2 below.

<sup>4</sup> This rather pedestrian calculation has to be set out in full because of the tendency of some scholars to turn a blind eye towards it. Jacoby (*Atthis*, p. 190) goes so far as to claim agreement between A.P. and Herodotus in making the 19 years part of the 'uninterrupted rule of Peisistratos and his sons' (i.e. 36 years from 546/5 to 511/10 incl.; cf. Herod. 5. 65. 3—ἐπεὶ ἔτα ἔξ τε καὶ τριήκοντα). That A.P. does not do this has been adequately demonstrated by Heidbüchel, op. cit., pp. 79, 88. N. G. L. Hammond (*C.Q.* n.s. vi [1956], 51) supports a view similar to Jacoby's by a special interpretation of διέμεινεν in 17. 1—that it means 'remained continuously' (in power). So it might, in other contexts, but it does not have to, and the rest of what A.P. says shows that it cannot do so here.

Aristotle, *Pol.* 1315<sup>b</sup>29 ff., reveals the same kind of calculation as is found in A.P. He

says: the Peisistratid tyranny 'was not continuous, for Peisistratos was twice exiled during his tyranny (τυραννῶν), so that in 33 years he ruled as tyrant for 17 of these years, and his sons ruled 18 years, so that the total (τὰ πάντα) amounted to 35 years'. This can only mean that the 17 years of rule, like A.P.'s 19 years, were spread over three periods of tyranny.

See further pp. 44 ff. below.

<sup>5</sup> The alternative of 6, 7, and 6 years can be ruled out: (a) because A.P. counts inclusively with ordinal numbers, so that 6 would be represented by ἑβδόμῳ not ἕκτω and 7 by ὀγδόῳ not ἑβδόμῳ; (b) because the last period was regarded as the main period of tyranny (Herod. 1. 64. 1; A.P. 15. 3), and the descriptions of the earlier periods as of not much duration (A.P. 15. 1; Herod. 1. 60. 1) evidently imply that the last period was thought of as the longest.

<sup>6</sup> Cf. Cadoux, op. cit., p. 109. Jacoby, *Atthis*, p. 371, n. 99, confuses matters unnecessarily.

This year was the seventh from the beginning of the tyrant's second period of power, which therefore began in 552/1.

To determine the duration of Peisistratos' first exile, then, we have only to fix the date of his first usurpation, in the archonship of Komeas. Cadoux has shown by an argument from the calculating methods of the *Marmor Parium* that 561/0 rather than 560/59 is the probable year for Komeas' archonship.<sup>1</sup> This also suits A.P.'s method of calculation better. By stating that Peisistratos lived 33 years from the time when he seized power, A.P. would normally imply that the tyrant died in the thirty-fourth year.<sup>2</sup> As Philoneos' archonship is fixed in 528/7, A.P.'s date for Komeas corresponded to 561/0. Peisistratos' first period of power ended in the sixth year from this, i.e. in 556/5. Hence the first period of exile lasted from 556/5 to 552/1, the date already obtained for the end of this exile and the beginning of the second tyranny. In other words, the first exile lasted 4 years and ended in the fifth.

We get a cross-check on this result from 17. 1, which implies a figure of 14 years for the two exiles. As the second exile was 10 years long, the first must have lasted 4 years. Thus A.P.'s chronology for Peisistratos is shown to be self-consistent.

It follows with absolute certainty that the correct reading in A.P. 14. 4 is *ἔτει δὲ πέμπτῳ* for *ἔτει δὲ δωδεκάτῳ*.<sup>3</sup>

This reading is satisfactory from a palaeographic point of view. Evidently *ε'* will have fallen out of the text after *ἔτει δέ*, as it could easily have done. Then the missing numeral was restored by a calculation based on the figures remaining in A.P.'s text. The restorer mistakenly assumed that he could find the number by subtracting the sum of the other given intervals of tyranny and exile from the total of 33 years. *ἔκτῳ ἔτει* (14. 3) gave years 1 to 6; *ἔτει . . . ἑβδόμῳ* (15. 1) 6 to 12; *ἐνδεκάτῳ . . . ἔτει* (15. 2) years 12 to 22. From 22 to 33 brought one to the twelfth year, and therefore *δωδεκάτῳ* was to be restored in 14. 4. Unfortunately, the restorer overlooked the fact that A.P.'s failure to supply a figure for the final period of tyranny made the calculation erroneous.<sup>4</sup>

A.P.'s version of the chronology of Peisistratos' tyranny, then, is to be represented as follows:

561/0. Komeas archon.

Peisistratos seizes power.

556/5. Hegesias archon.

P. expelled by Lykourgos and Megakles.

552/1. P. restored with Megakles' help.

546/5. P. quarrels with Megakles, goes into exile.

536/5. P. wins Battle of Pallene, establishes tyranny firmly.

528/7. Philoneos archon.

Death of Peisistratos.

<sup>1</sup> Cadoux, *op. cit.*, pp. 104 ff.

<sup>2</sup> Cf. p. 42, n. 2 below. Cf. also Hammond in *Historia* iv (1955), 382, on this mode of reference.

<sup>3</sup> So already Wilamowitz, *A. u. A.* i. 23. Cf. Ed. Meyer, *Forsch. z. alt. Gesch.* ii. 244: 'eine andere Zahl ist hierfür nicht möglich'. Heibüchel, *op. cit.*, p. 85, n. 3, is justified in observing: 'Man kann sich nur wundern

dass die späteren Editoren diese völlig sichere Emendation nicht in den Text aufgenommen haben.'

<sup>4</sup> Similarly Wilamowitz, *A. u. A.* i. 23; Heibüchel, *op. cit.* p. 86. However, it is preferable not to base the argument on the dubious figure of 49 years in A.P. 19. 6 (cf. the next part of the discussion).

One other passage remains to be dealt with in this connexion, though it is not critical for the above reconstruction of A.P.'s chronology. This is at A.P. 19. 6, where is recorded the fall of the Peisistratidae, *κατασχόντες τὴν τυραννίδα μετὰ τὴν τοῦ πατρὸς τελευτὴν ἐτὶ μάλιστα ἑπτακαίδεκα, τὰ δὲ σύμπαντα σὺν οἷς ὁ πατὴρ ἤρξεν ἐνὸς δεῖ πεντήκοντα*.

Here the figure of 49 years requires emendation, but probably not for the reasons commonly given. The usual view is that A.P. here gives a total sum for the period from Peisistratos' first seizure of power in the archonship of Komeas to the end of the Peisistratid tyranny in the archonship of Harpaktides. Since the former date almost certainly corresponds to 561/0, as we have seen, and the latter certainly to 511/10,<sup>1</sup> the figure in 19. 6 should, it is thought, be 50 (exclusive reckoning) or 51 (inclusive).<sup>2</sup> It seems to have escaped notice that this view does violence to A.P.'s language. The number of years that Peisistratos ruled (*ἤρξεν*) was, according to the statement already made by A.P. (17. 1), only 19. So here *τὰ σύμπαντα* ought to be 36 (19 + 17), whereby A.P. would agree with Herodotus' figure (5. 65. 3), as I have already suggested he intended to do.<sup>3</sup> It appears highly probable that the correct numeral, *λξ*, fell out of A.P.'s text, and the missing figure was supplemented on the assumption that A.P. meant the period from Komeas to Harpaktides. This may have been done by adding the 17 years of 19. 6 inclusively to the 33 years of 17. 1 (treating the last of the 33 and the first of the 17 as the same year). This would give 49 years. Alternatively it is to be noted that with exclusive reckoning 49 is the figure for this period resulting from the data of the *Marmor Parium*, which at epoch A 40 dates Komeas' archonship 297 years from Diognetos, and at epoch A 45 puts the fall of the Peisistratidae 248 years from the same. As Cadoux has shown,<sup>4</sup> the mistake made by the Parian probably came about from following sources using exclusive reckoning, up to and including ep. A 40 and from ep. A 67 onwards, whereas from ep. A 41 to 66 a source using inclusive reckoning was followed. Similar factors might perhaps be responsible for the mistake made here by the restorer of A.P.'s text.<sup>5</sup>

The above reconstruction of A.P.'s chronology of Peisistratos enables us to some extent to reconcile the apparent contradiction between A.P. and Aristotle in the *Politics*. Both are agreed on the figure of 33 years for the interval between

<sup>1</sup> Cf. Cadoux, *op. cit.* pp. 112 f.

<sup>2</sup> Cf. Jacoby, *Atthis*, pp. 373-4, n. 107.

Heidbüchel, *op. cit.*, p. 77, cf. 86, retains,

with Wilamowitz, the figure 49 and attri-

butes it to 'doppelt exklusive Rechnung'. But A.P. does not use such reckoning.

<sup>3</sup> P. 39 above. There may also be the intention to correct the similar calculation made in the *Politics*—*τὰ πάντα ἐγένετο ἐτὶ τριάκοντα καὶ πέντε* (cf. p. 39 n. 4 above).

<sup>4</sup> *Op. cit.*, pp. 83 ff.

<sup>5</sup> Schol. Aristoph. *Vesp.* 502, presumably referring to this passage in A.P., notes *Ἀριστοτέλους μὲν τεσσαράκοντα καὶ ἑνὶ φήσαντος*. Whether it is his text that is corrupt, or he is using a corrupt text of A.P., his version probably derives ultimately from a reading *τετταράκοντα καὶ ἑνὶ* in A.P. 19. 6. But this of course proves nothing as to the correctness of the reading, only that the mistake was not

confined to our papyrus. Jacoby (cf. n. 2 above) would read *ἐν καὶ πεντήκοντα* both in A.P. and in the scholiast; but this is not satisfactory because A.P. usually counts exclusively with cardinal numbers (cf. p. 42, n. 2 below), and it would be odd for A.P.

to get 51 from the sum of 33 (17. 1) and 17 (19. 6). If the usual interpretation is retained (implying that A.P. uses the word *ἤρξεν* loosely), the simplest correction would be to read *ἤρξε ὦ* in A.P. This would have at least the advantage of consistency: the 33 added to the 17 years giving a total of 50, and the exclusive mode of reckoning being used consistently. It would also agree with Eratosthenes' figure—*ἐπὶ ἐτὶ ὦ* (Schol. Ar. *Vesp.* loc. cit.). After the misreading of the *ν* as *πα* for *πα*, the process of restoration would have proceeded as suggested.



Peisistratos' first *coup d'état* and his death. But whereas A.P. gives Peisistratos a total of 19 years of actual rule, the *Politics* gives him only 17 years. Now the fact that A.P. qualifies the indication of the duration of the second period of tyranny with *μάλιστα* (15. 1) and the fact that he omits to specify the length of the final period make it likely that the figures for these periods were not given in any tradition but were arrived at by calculation and inference (see below). But the figures for the periods of exile are set down without qualification, and so were probably considered fixed.<sup>1</sup> It seems likely that the calculation of the total amount of actual rule was based on the subtraction of the periods of exile from the total of 33 years. It is easy to see the source of the discrepancy if this was the case. A.P., using exclusive reckoning, counted the intervals marked by *ἔτει πέμπτῳ* (14. 4) and *ἐνδεκάτῳ . . . ἔτει* (15. 2) as 4 years and 10 years, so that the subtraction from 33 gave 19. Aristotle in the *Politics*, using inclusive reckoning, counted them as 5 and 11, and so by subtraction from 33 arrived at the figure of 17 years for the total length of the actual tyranny.<sup>2</sup>

The data available for determining the chronology of Peisistratos were probably these:<sup>3</sup> (1) his usurpation in the archonship of Komeas; (2) his deposition in the archonship of Hegesias; (3) the duration of his first exile; (4) the duration of the second exile; (5) the tyrant's death in the archonship of Philoneos. The durations of the second and third periods of tyranny were probably not known directly. What was known was that between the equivalents of 552/1 and 528/7 there had to be fitted in 10 years of exile and a shorter and a longer period of tyranny.

On what basis, then, will the year 546/5 have been chosen as marking the end of the second period of tyranny and the beginning of the second exile? It seems possible that the clue was found in Herod. 1. 59. 1: *τὸ μὲν Ἀττικὸν (ἔθνος) κατεχόμενον τε καὶ διεσπασμένον ἐπνῆνέτο ὁ Κροῖσος ὑπὸ Πεισιστράτου τοῦ Ἰπποκράτους τοῦτον τὸν χρόνον τυραννεύοντος Ἀθηναίων*. This (alleged) inquiry by Croesus immediately preceded the forming of an alliance between him and Sparta, and this in turn preceded Croesus' expedition to Cappadocia (Herod. 1. 69-70). In the succeeding winter Sardis and Croesus fell.

Assuming that the Attic historians had the date 546/5 for the fall of Sardis,<sup>4</sup>

<sup>1</sup> Cf. p. 47 below.

<sup>2</sup> The *Politics* reckons the years of tyranny of Peisistratos' sons inclusively (18 years), but the period from Peisistratos' usurpation to his death exclusively (33 years). This was clearly necessary, since to reckon both periods inclusively would have meant counting the same year (528/7) twice.

A.P. generally uses exclusive reckoning with cardinal numbers (cf. 13. 1; 22. 3, 6; and below). Inclusive reckoning is used at 32. 2—*ἔτεσσιν . . . μάλιστα ἑκατον* (i.e. 511/10-412/11). But here he is following Thucydides 8. 68. 4—*ἐπ' ἔτει ἑκατοσὶν ἑκατὸν μάλιστα*, and there is a natural preference for the retention of the more impressive round century. At A.P. 25. 1 exclusive reckoning is probably used: *ἐτη δὲ ἑπτακαίδεκα μάλιστα μετὰ τὰ Μηδικά*, i.e. 479/8-462/1. His previous time-note was Timosthenes' archonship, 478/7 (23. 5). But both Herodotus and Thucydides

count *τὰ Μηδικά* as ending in 479(/8): cf. Hammond's note on Thucydides' usage, *C.R.* n.s. vii (1957), 100-1. A.P. apologizes for the resulting imprecision with *μάλιστα*. The apparently unnecessary *μάλιστα* in 19. 6, where the reckoning is exclusive, may be due to the fact that 18 years was the figure usually given for the tyranny of Peisistratos' sons (cf. the *Politics*) and A.P. anticipates cavil at his deviating from the established figure (which he has to do in order to conform to Herodotus' 36 years).

<sup>3</sup> Cf. pp. 46 f. below.

<sup>4</sup> Cf. Jacoby, *Apollodoros Chronik*, p. 193. Attempts to show that there were other traditions seem unsuccessful. According to H. Kaletsch, 'Zur lydischen Chronologie', *Historia* vii (1958), 1-47, although the Christian chronographers give 546/5, Apollodoros' (and Sosikrates') date was 547/6. This depends on the assumption that Thales'



they could have inferred from the above passage that Peisistratos was in power as tyrant in 547/6.<sup>1</sup> But his first period of tyranny had, according to their information, only ended in 556/5. Therefore, the second exile, lasting 10 years, could not be fitted in before 547/6. But on the other hand it could not have begun much later, because that would leave too short a time for the final period of tyranny. Again *δισπασμένον* might be taken as implying that the state was divided by *stasis* in the form of opposition to the tyrant in 547/6,<sup>2</sup> and this could be connected with Herodotus' reference to Megakles' joining forces with the *στασιώται* (I. 61: cf. A.P. 15. 1—*φοβηθεὶς ἀμφοτέρως τὰς στάσεις*). And the fact that Croesus made alliance only with Sparta (Herod. I. 69) and not with Athens could be seen as confirmation that Athens was weakened at this time by political insurgence against the tyranny. Such may have been the line of reasoning that led to the dating of the second expatriation of Peisistratos to 'about the seventh year after his restoration', i.e. 546/5.<sup>3</sup> It was decided that the falls of Croesus and Peisistratos could be synchronized.

death and the fall of Croesus and Sardis were assigned to the same (Olympic) year. But the reference in Diog. Laert. (I. 37-38) seems to show that the date of Thales' death was got from what was apparently regarded as his last activity—the diversion of the Halys at the outset of Croesus' Cappadocian campaign. Hence there is no need to make a difference between the Hellenistic and the Christian chronographers. The Cappadocian campaign can begin in spring-summer (547/5) 546, continuing into 546/5, and the fall of Sardis follows in 546/5. Kaletsch also (p. 23) gives Herodotus' dates for Croesus as 560-547. This overlooks two points: (a) Herodotus reckons by archon-years, (b) his 14 years for Croesus (I. 91) imply termination in the 15th; see Hammond, 'Studies in Greek Chronology (etc.)', *Historia* IV (1955), pp. 371 ff., who, however, becomes confused in his calculations, giving Herodotus' date for Croesus' accession as 559/8 (whence would follow 545/4 for the fall of Sardis) and Herodotus' date for Gyges' accession as 711/10 (whence would follow 541/0 for Sardis' fall). Herodotus' dates for Croesus are more probably 560/59-546/5.

Kaletsch rightly rejects (pp. 40-41) the supposed evidence of Xanthos (*F.H.G.* I. 43; cf. Euphorion, *ap. Clem. Alex. Strom.* p. 399 P., Pliny, *N.H.* 35. 35) for a tradition of 541/0 for the end of Croesus' reign. The supposed evidence of the *Marmor Parium* for such a tradition should also be rejected. The missing date in ep. A 42 (fall of Sardis) cannot legitimately be restored by calculating from ep. 41 (mission of Croesus to Delphi, 292 years from Diognetos, i.e. 555/4, cf. Cadoux, *op. cit.*, pp. 108 f.). If the Parian had meant to refer to Croesus' accession in ep. 41, he must surely have done so explicitly. The item evidently comes from Delphic records (cf. epp.

37, 38) and has nothing to do with Croesus' accession or calculations about the dating of his reign. The supporting argument from the coincidence that the interval between ep. 41 (292 years from Diognetos) and ep. 35 (accession of Alyattes, 341 years from D.) is equal to the interval between the accessions of Alyattes and Croesus in Eusebius (49 years), falls to the ground when we observe that in *M.P.* this is due to the shift from exclusive to inclusive reckoning (cf. Cadoux, *op. cit.*, pp. 83 ff.); the true interval for *M.P.* is 50 years (605/4-555/4). Finally, the reference to Hipponax' *floruit* in ep. 42 is scarcely a sufficient foundation for fixing a date for the fall of Sardis. I conclude that we do not know *M.P.*'s date for this event, but that there is nothing to prevent it from having been the 546/5 of the rest of the tradition.

The evidence of the Babylonian Nabunaid chronicle (cf. Weissbach in *R.E. Sup.* v [1931], *Kroisos* 457, Kaletsch, *op. cit.*, pp. 43 ff.) scarcely affects the question of the Greek tradition. But it is doubtful whether it supports the date 547 for the fall of Croesus and Sardis, since there are no solid grounds for identifying Croesus as the defeated king mentioned but not extant by name in the chronicle for 547, and some ground for not doing so since this king is recorded as killed by Cyrus.

<sup>1</sup> Not 546/5. Cf. previous note and pp. 45 f. below; also Gomme, *J.H.S.* xlii (1926), 174; Jacoby, *Atthis*, pp. 371 f., n. 100.

<sup>2</sup> But actually the implication is more probably the division of the 'Attic nation' by the exile of Peisistratos' opponents after Pallene (I. 64. 3).

<sup>3</sup> Another factor may well have been the need to date the Battle of Pallene as late as possible, so as to allow for Hegesistratos' participation in it (A. P. 17. 4); cf. p. 48, n. 2 below.

If this was the line of argument that produced A.P.'s figures, it was plausible, but no more. It may well be questioned whether such an interpretation of Herodotus was legitimate. Herodotus goes on from 1. 59 to give an account of Peisistratos' whole career up to and including the final period of tyranny, and continues (1. 64. 3): καὶ Πεισίστρατος μὲν ἐτυράννευε Ἀθηναίων, Ἀθηναίων δὲ οἱ μὲν ἐν τῇ μάχῃ ἐπεπτώκεσαν, οἱ δὲ αὐτῶν μετ' Ἀλκμεωνιδέων ἐφευγον ἐκ τῆς οἰκῆς. (1. 65. 1) τοὺς μὲν νυν Ἀθηναίους τοιαῦτα τὸν χρόνον τοῦτον ἐπυνθάνετο ὁ Κροῖσος κατέχοντα, . . . With this last clause the wheel is brought full circle, in the Herodotean manner, back to the starting-point at 1. 59. 1. So it would be more correct to infer from Herodotus that all the events up to the establishment of Peisistratos' third tyranny are represented as preceding Croesus' alleged inquiry, and therefore that the third tyranny had already begun by 547/6. But the Athidographers could not accept this interpretation because of their other data—specifically because there would be no room for the 10 years of the second exile.

It is probable, then, that A.P.'s date 546/5 for the beginning of Peisistratos' 10-year exile is based on invalid inference from Herodotus. Certainly the 6 years that A.P. (15.1) assigns to the preceding period of rule have seemed to most scholars an excessive allowance of time when compared with the vague indications given by Herodotus (1. 61. 1–2). After fulfilling the condition of his restoration by marrying Megakles' daughter, Peisistratos, we are told, practised birth-control with her: οὐ βουλόμενός οἱ γενέσθαι ἐκ τῆς νεογάμου γυναικὸς τέκνα ἐμίσηγετο οἱ οὐ κατὰ νόμον.<sup>1</sup> After an unspecified amount of time (τὰ μὲν νυν πρῶτα ἐκρυνπε ταῦτα ἡ γυνή, μετὰ δέ, . . . φράζει . . .) the lady revealed what was going on to her mother, who, at once presumably, informed Megakles. He then began plotting against the tyrant with the *σασσιῶται*. When Peisistratos heard about this, he slipped out of the country.

Clearly this is shaky ground for chronography, but we can at least ask whether it was reasonable for A.P. to allot to these developments the 6 years to which he was committed by other considerations. In fact Herodotus does afford loopholes. He says that the wife kept the matter dark for some time. And he suggests that it may have been an inquiry from Agariste that elicited the information (εἴτε ἰστορεύση εἴτε καὶ οὐ). Evidently an inquiry as to the reason for childlessness. But the fact of childlessness could take years to become completely established. So, by concentrating on this aspect, an historian who wanted to extend the duration of the episode for other reasons could do so with some justification. On the other hand, considerations of psychological probability suggest that six years is too long a period. Probably the second period of Peisistratos' tyranny ought to be shortened (and the third period correspondingly lengthened) if the story is to be taken into account in the attempt at an historical reconstruction of Peisistratean chronology.<sup>2</sup>

The question remains to be considered, whether A.P.'s data can be used as the basis for such a reconstruction. They are unquestionably in conflict with

<sup>1</sup> Jacoby, *Atthis*, p. 376, n. 115, would dismiss the story as obviously unhistorical. There are other reasons for childlessness, he remarks. But then we should have to abandon also Herodotus' explanation of the tyrant's behaviour as a *deliberate* piece of dynastic policy: yet as such it makes perfectly good sense.

<sup>2</sup> But the story, if used for chronology, does not *compel* us to restrict the period to months (as Pomtow, *Rh. Mus.* li [1896], 561 f.; cf. Jacoby, *Atthis*, pp. 191, 375–6, n. 115). Wilamowitz's 2 years seem a reasonable maximum (*A. u. A. i.* 23).

those of Herodotus. Herodotus does not provide any absolute dates, nor does he give a complete chronology for Peisistratos. As we have seen, he places the beginning of Peisistratos' final tyranny before Croesus' Cappadocian campaign, therefore in the archon-year before the year of the fall of Sardis (1. 59-65). Later he gives the length of the whole Peisistratid tyranny as 36 years (5. 65. 3). And he states that the Athenians were under tyranny for 4 years after the death of Hipparchos (5. 55). Accepting 546/5 as the date of the fall of Sardis, we get 547/6 for the beginning of Peisistratos' third tyranny, and 511/10 for the end of the Peisistratid tyranny (duration of 36 years implying termination in the 37th). The assassination of Hipparchos took place in a Panathenaic year, which must therefore be 514/13. The 4 years of tyranny remaining must be the result of inclusive reckoning.<sup>1</sup> Bringing into calculation the only other exact datum provided by Herodotus, Peisistratos' return from the second exile in the eleventh year, we may tabulate his chronology as follows:

- 557/6. Beginning of Peisistratos' second exile.
- 547/6. Battle of Pallene. Beginning of P.'s final tyranny.
- 514/13. Assassination of Hipparchos.
- 511/10. Expulsion of Peisistratidae.

<sup>1</sup> Hammond in *Historia* iv (1955), 384 f., argues that the 4 years are reckoned exclusively, and therefore dates the expulsion of the tyrants to 510/9. From this would follow 546/5 for Pallene, and 545/4 for the fall of Sardis. He further argues that when Thucydides (6. 59. 4) says Hippias ruled for 3 years after the death of Hipparchos, his rule coming to an end in the fourth year, this can be reconciled with Herodotus' statement on the assumption that Thucydides is reckoning by seasonal years, not archon-years. Hipparchos was killed at the Panathenaea of 514 (28 Hekatombaion); in the fourth year (28 Hekatombaion 511 to 27 Hekatombaion 510) Hippias was deposed. Combined with the date 510/9 inferred from Herodotus, this gives a very precise dating for Hippias' deposition, namely, the first month of the archon-year 510/9 (Hekatombaion 510).

This argument seems to raise more difficulties than it solves. It entails that Thucydides was able to date the fall of tyranny precisely to the first month of the Athenian civil year 510/9. How could he do this unless he knew under what archon the tyranny fell? If he knew that the event took place under the archon of 510/9, it is difficult to see how this knowledge could have eluded the researchers of the Attidographers, who placed the event firmly in the archonship of Harpaktides, 511/10 (A.P. 19. 6; *Marm. Par.* ep. A 45). It may also be noted that Plato (*Hipparch.* 229 b), presumably counting in the orthodox manner by archon-years, says that the Athenians were under tyranny for 3 years after Hipparchos' death; which, in effect, corrects Herodotus. A.P. himself in-

dicates puzzlement over Herodotus' 4 years. At 19. 2 he dates the deposition of Hippias *ἔπει τετάρτῳ μάλιστα μετὰ τὸν Ἰππάρχου θάνατον*. But this does not lead him to doubt the date of the deposition, which he firmly sets in the archonship of Harpaktides. What it does do is to inhibit him from giving an exact date (archon-date) for Hipparchos' assassination. Finally, the cost of Hammond's interpretation of Herodotus' 4 years includes not only the abandonment of the firm archon-date for the end of the tyranny but also the acceptance of an unsupported date for the fall of Sardis.

These criticisms do not affect Hammond's view that Thucydides is reckoning by seasonal years, which I accept, while modifying the detailed application. Thucydides does date the end of the tyranny to the year between 28 Hekatombaion 511 and 27 Hekatombaion 510, but with the other evidence we can contract the latter terminal to the end of Skirophorion 510 (end of 511/10). In the remaining words of 6. 59. 4, Thucydides does *not* date the Battle of Marathon in the 20th year from Hippias' expulsion. He dates Hippias' departure from the court of Darius to join the Marathon expedition to the 20th year from his arrival at that court after being expelled from Athens and after first going to Sigeion and Lampsakos. This allows a much greater margin of time than Hammond accounts for. Assuming that Hippias left Susa in spring 490, his arrival can be pushed back as far as spring (511/510), and *a fortiori* there is no difficulty about putting his departure from Athens in 511/10.

Now with the data the Atthidographers had, it must have been perfectly easy for them to work out this chronology from Herodotus. The whole of A.P.'s account shows that Herodotus was carefully studied in this connexion. But they were forced to the conclusion that Herodotus was mistaken. The reason is transparent. They had as a definite datum the expulsion of Peisistratos in the archonship of Hegesias, 556/5; and they could not lower Herodotus' dates by one year to fit this, because they also had 546/5 and 511/10 as fixed dates for the fall of Sardis and the expulsion of the Peisistratidae. They were therefore forced to conclude that Herodotus had been wrong in thinking that the 36 years of tyranny represented a period of continuous rule. It was decided that the 36 years must really represent the whole extent of the tyranny. This should not be described as a 'false interpretation' of Herodotus,<sup>1</sup> but rather as a deliberate reinterpretation.

The fact is that Herodotus' Peisistratid chronology cannot inspire much confidence, because it is based on an artificial synchronism between Croesus and Peisistratos. Herodotus has in truth no evidence to connect Croesus and Peisistratos. There was no diplomatic exchange like that between Croesus and Sparta leading to the formation of an alliance. There was nothing by which a synchronism could be confirmed.<sup>2</sup>

Hence the 36 years, if regarded as the product of Herodotus' own calculations, would be worthless. But it seems more likely that the Atthis is right and that the 36 years are a genuine piece of oral tradition which Herodotus has misconstrued.

Now though it cannot be proved, it is a reasonable assumption that the Atthis was able to date the first usurpation by Peisistratos to the archonship of Komeas, 561/0, from the decree mentioned by A.P. as having been moved by Aristion to provide Peisistratos with a bodyguard (14. 1: *Ἀριστίωνος γράψαντος τὴν γνώμην*). This information supplements that of Herodotus (5. 59. 4-6), so it seems likely to be an addition to the oral tradition from a documentary source.<sup>3</sup> It is clear from Herodotus' account (which A.P. follows closely) that the granting of the bodyguard was immediately followed by the seizure of the Acropolis, so that the archon-date on the decree could be used to date the usurpation.<sup>4</sup> An examination of A.P.'s use of archon-dates suggests that they only appear where we know that there was, or can see that there is likely to have been, definite authority for them. Our faith in them must be strengthened when we note that at 14. 4 A.P. has a definite date, could therefore have put in the archon by reference to the archon-list, but refrains from doing so; for which the explanation must surely be that there merely was no authority, literary or documentary, for attaching the archon's name to the event.<sup>5</sup>

Similarly it is a reasonable assumption that the dating of Peisistratos' first

<sup>1</sup> Heidbüchel, *op. cit.*, p. 79.

<sup>2</sup> Cf. Jacoby, *Atthis*, pp. 371-2, n. 100. Herodotus' howler in connecting Croesus and Solon (1. 29 ff.) can also serve as a dreadful warning.

<sup>3</sup> Jacoby, *Atthis*, p. 334, n. 22, expresses scepticism on this, but his opinion seems to fluctuate (cf. p. 364, n. 69, where Aristion's motion and the date appear to be treated as documentary).

<sup>4</sup> The distinction that Jacoby (*Atthis*, p. 186) insists on with regard to this point seems to be an unprofitable quibble. Naturally A.P. dates the important *event*, the occupation of the Acropolis by Peisistratos (with *bodyguard*), since this marks the beginning of the tyranny.

<sup>5</sup> The case of A.P. 19. 2 is also illuminating (see p. 45, n. 1 above).

expatriation to the archonship of Hegesias, 556/5, is derived from a decree bearing that archon's name.<sup>1</sup>

For Peisistratos' death we again have a probably documentary date, the archonship of Philoneos, 528/7.<sup>2</sup> A.P. is absolutely certain of this date, as his remarks in 17. 2 reveal. He is equally certain of the date for the fall of the Peisistratidae, the archonship of Harpaktides, 511/10.<sup>3</sup>

Given these fixed points and Herodotus' 36 years as reinterpreted, it followed that since the whole period lasted 50 years from 561/0 to 511/10, the total length of Peisistratos' exiles amounted to 14 years. The length of the second exile was 10 years—a datum from the oral tradition handed down via Herodotus. Therefore the first exile lasted 4 years (to 552/1).

I do not think it can reasonably be denied that there are good grounds for accepting the above data. In proceeding with the reconstruction from this point, we find ourselves in the same position as the Atthis. If we could obtain a date for the Battle of Pallene, the complete reconstruction would fall into place at once.

We begin with the date 552/1 for the commencement of the second period of tyranny. As we have seen, this period cannot have lasted long—one or at most two years.<sup>4</sup> Then comes the ten-years exile, ended by the victory at Pallene. Hence we can hardly date the battle later than 540/39.

A further control is afforded by the information in A.P. 17. 4 that Peisistratos' son Hegesistratos brought the 1,000 Argives who took part in the battle. Hegesistratos was one of the two sons born to Peisistratos by his Argive wife Timonassa, perhaps the younger of the two.<sup>5</sup> A.P. says that this marriage took

<sup>1</sup> So Cadoux, *op. cit.*, p. 107. But his suggestion that A.P. may have made a mistake in attaching the archonship of Hegesias to the first instead of to the second expatriation is unacceptable. Both Herodotus and A.P. clearly indicate that whereas Peisistratos was expelled the first time, he went voluntarily into exile on the second occasion, because of fear of what was being plotted against him. A decree of banishment is therefore more appropriate for the first expatriation. Cadoux's inference from Herod. 1. 61. 2, that Peisistratos did not leave Attica when he was expelled (1. 60. 1: ἐξελάνουσι μιν), seems most implausible. We may compare the implication of *κατήγαγεν* and *κάθοδος* (A.P. 14. 4; 15. 1).

It is not necessary to repeat Cadoux's refutation (*op. cit.*, p. 108) of the notion that Hegesias may be identified with the archon of 560/59, Hegestratos (Pomtow, *Rh. Mus.* 1 [1895], 575; Jacoby, *Atthis*, pp. 193, 378, n. 133).

<sup>2</sup> Cf. Jacoby *Atthis*, p. 364, n. 69.

<sup>3</sup> Cf. p. 45, n. 1, and p. 46, n. 5 above.

<sup>4</sup> See p. 44, n. 2 above.

<sup>5</sup> An inference from the word-order in 17. 3: ἦσαν δὲ δύο μὲν ἐκ τῆς γαμετῆς, Ἰππίας καὶ Ἰππαρχος, δύο δ' ἐκ τῆς Ἀργεῖας, Ἰόφωον καὶ Ἠγροίστρωτος, ὃ παρονύμιον ἦν Θέτταλος (cf. 18. 1; Thuc. 6. 55; on Hippias' seniority).

The problem of Hegesistratos' nomenclature is tangential to the present discussion, but it seems worth while offering the suggestion that *Thessalos* was his correct name and Hegesistratos the sobriquet (*παρονύμιον*), being a name given in honour of his 'leading the army' from Argos to the battle at Pallene. The name *Thessalos* is confirmed as the official name of one of the Peisistratids by the inscription cited by Thucydides (6. 55. 1). The description of Hegesistratos as νόθος (Herod. 5. 94. 1) looks like nothing more than a reflection of contemporary propaganda, of which the reference to Timonassa as ἡ Ἀργεῖα is perhaps another echo. The idea that the tyrant's sons by Timonassa were officially illegitimate is not credible. To suppose that *Thessalos* and *Hegesistratos* were different and distinct persons (cf. Schachermeyr in *R.E.* xix. 1, *Peisistratidae* 152 ff.) is to infer that the Atthis did not know how many sons the tyrant had; which is incredible. In fact, A.P. is confident (δύο μὲν . . . , δύο δ' . . . ) and well informed on the subject (we should not know of Iophon but for him). Jacoby's suggestion (*Atthis*, p. 378, n. 133) that Hegesistratos might be identified with Hegestratos, archon 560/59 (whom he wants to identify also with Hegesias, archon 556/5; cf. n. 1 above), seems very wild.



place either during the first exile or while Peisistratos was in power, there being two schools of thought on the point. So the earliest possible date for the marriage was 561/0 according to the latter account (B), and 556/5 according to the former (A). Then, according to B, Hegesistratos cannot have been born before 560/59, and, if he was the younger son, not before 559/8; according to A, not before 555/4 (or 554/3). So if the Battle of Pallene were to be dated to 546/5, Hegesistratos would have been not more than 14 years old at most (or 13, or 9, or 8) when he brought a force of 1,000 soldiers from Argos to Attica.<sup>1</sup> This is hard to believe. In fact, it is reasonable to assume that he was of ephebic age at the time. Version A is effectually ruled out by our *terminus ante quem* for the battle, 540/39.<sup>2</sup> With version B, 559/8 is the most probable earliest date for Hegesistratos' birth, and so the probability is that the date of the battle was not earlier than 541/0. Hence the ten-years exile will not have begun before 551/0.

It would appear, then, that there are two sets of dates to choose between for Peisistratos' second exile: 551/0-541/0 or 550/49-540/39. There may be a slight preference for the former set because it makes the second tyranny suitably brief (552/1-551/0). Also it makes the retention of the figure for the total amount of tyranny by the oral tradition easier to credit: five and one and thirty years, 'six and thirty' as Herodotus has it.

I now set out in tabulated form the amended version of Peisistratid chronology resulting from the above discussion:

	561/0.	Komeas archon. Decree of Aristion. Peisistratos seizes power.
1st tyranny		
	556/5.	Hegesias archon. Peisistratos expelled by coalition of Lykourgos and Megakles.
1st exile		
	552/1.	Peisistratos restored with Megakles' help; marries Megakles' daughter.
2nd tyranny		
	551/0.	(550/49). Peisistratos quarrels with Megakles; goes into exile.
2nd exile		
	541/0.	(540/39). Peisistratos wins Battle of Pallene; establishes tyranny firmly.
3rd tyranny		
	528/7.	Philoneos archon. Death of Peisistratos. Peisistratidae succeed to tyranny.
	514/13.	Assassination of Hipparchos.
	511/10.	Harpaktides archon. Expulsion of Peisistratidae.

This result is very close to those arrived at, by different routes, by F. Cornélius<sup>3</sup> and by Wilamowitz.<sup>4</sup>

<sup>1</sup> The word used by A.P.—κομίσαντος—is evidently borrowed from Herod. 1. 61. 4, where it is applied to Lygdamis: καὶ γὰρ Ἀργεῖοι μισθωτοὶ ἀπίκοντο ἐκ Πελοποννήσου, καὶ Νάξιος σφι ἀνὴρ ἀπικμένος ἰθελοντής, τῷ οὐνόμα ἦν Λύγδαμις, προθυμίην πλείστην παρείχετο, κομίσας καὶ χρήματα καὶ ἀνδρας.

<sup>2</sup> Those who placed Peisistratos' Argive marriage in his first exile (A) and who dated Hegesistratos' birth, consequently, not earlier than 555/4 or 554/3, had a powerful motive for dating the Battle of Pallene to 536/5. This may have been a further factor in-

fluencing A.P.'s adoption of this date (cf. p. 43, n. 3 above).

<sup>3</sup> *Die Tyrannis in Athen* (1929), pp. 5 ff. His dates are 561/0, 556/5 or 555/4, 552/1, 551/0, 541/0, etc. But he wrongly read τετάρτῳ or τρίτῳ at A.P. 14. 4, and furthermore 552/1 is not the fourth year from 556/5 nor is it the third from 555/4.

<sup>4</sup> *A. u. A. i.* 22 ff. His dates are: 561/0, 556/5, 553/2, 551/0, 541/0, etc. He rightly read πέμπτῳ at A.P. 14. 4, but 553/2 is not the fifth year from 556/5.



## V. Solon-Komeas

The chronological problems of this period are bound up with difficulties about the archon-list. On the one hand, there is the problem of the actual length of the whole period. On the other, there are the problems of interpretation presented by A.P. 13. 1-2.

A.P. 14. 1 indicates that Komeas was the 32nd archon from Solon, inclusively. But the later chronographic tradition placed Solon's archonship in Ol. 46. 3 (594/3).<sup>1</sup> Hence Komeas' archonship in 561/0 would be the 34th from Solon's. Bauer<sup>2</sup> accordingly proposed to emend *ἔτει δευτέρῳ καὶ τριακοστῷ* in A.P. 14. 1 to *ἔτει τετάρτῳ καὶ τριακοστῷ*, and this emendation seems now generally accepted. It is assumed that δ' was misinterpreted as an abbreviation for *δευτέρῳ*, a common error in manuscripts. Evidently it is difficult to believe that an original λδ' was thus misread; in that case it must surely have been obvious that δ' in the context was a numerical sign, not an abbreviation. It would have to be presumed that the number was at some stage written in the form δ' καὶ τριακοστῷ, and then erroneously expanded into its present form. Even so, the proposed emendation is hardly free from objection. There is no other evidence in our text of A.P. to support the hypothesis that a mistake of this type was made. And one must surely beware of assuming that the errors of Byzantine scribes<sup>3</sup> afford analogies for the earlier tradition such as is represented by our papyrus.<sup>4</sup>

If the text is left as it stands, it would follow that, barring error on A.P.'s part, the archon-list available to him gave only 32 archon-years from Solon to Komeas. Yet the archon-list available to later chronographers must have given 34. The archon-list was an official document, recorded on stone about 425 B.C.,<sup>5</sup> and there is therefore a quite understandable reluctance among scholars to entertain the idea that there could have been discrepant versions of the list. But it seems worth while to consider at any rate the possibility that the early part of the archon-list was subjected to revision through chronographic research in Hellenistic times, and that as a result two archon-years were inserted between Solon and Komeas in a revised archon-list.

There is indeed some evidence for the interpolation of one archon. An Aristophanic scholiast, citing Eupolis' *Demoi*, says that the archon after Solon was Phormion.<sup>6</sup> But Philostratos says that the archon after Solon was Dropides.<sup>7</sup> If the scholiast's citation of Eupolis means what it would naturally be taken to mean—that Eupolis was the authority for the statement, this would be evidence that the archon-list published c. 425 put Phormion after Solon, since the *Demoi* is dated to 412.<sup>8</sup> Philostratos, it could be assumed, shows the state of the archon-list after the supposed revision, when Dropides, a close friend of Solon and frequently mentioned in his poems,<sup>9</sup> had been introduced into the record.

<sup>1</sup> Cf. Jacoby, *Apollodorus Chronik*, p. 167.

<sup>2</sup> *Forsch. z. Ar. Abh.*, pp. 45 f.; cf. Jacoby, *Atthis*, p. 346, n. 22, p. 365, n. 71; Cadoux, *op. cit.*, pp. 93 ff.; Hignett, *op. cit.*, p. 317.

<sup>3</sup> The parallels cited by Jacoby (*Ap. Chron.* p. 171, n. 14) are of course of this type.

<sup>4</sup> Cf. also p. 38 above.

<sup>5</sup> Cf. B. D. Meritt, *Hesperia* viii (1939), 59 ff.

<sup>6</sup> Schol. Ar. Pax 347: *πέρμπος* (sc. Phormion) *ἀρχαῖος Ἀθηναῖος, μετὰ Σόλωνα ἀρχας. Εὐπόλις ἐν Δήμοις*. There is hardly scope for equivocation about the meaning of *μετὰ* in this formula (cf. Cadoux, *op. cit.*, p. 99).

<sup>7</sup> Phil. Vit. Soph. 1. 16. 2: *ἐς Δροπίδην δ' ἀναφέρειν, ὅς μετὰ Σόλωνα Ἀθηναῖος ἦρξεν*.

<sup>8</sup> Cf. Schmid-Stählin 4. 1. 2. 116.

<sup>9</sup> Plato, *Timaeus*, 20 e.

If we ask, why should a revision of a long-established record have been undertaken, the obvious answer is that it became necessary when the Athenian list was collated with other records. The Sicilian Timaios (c. 356–260 B.C.) is known to have collated the Athenian, Olympic, Argive, and Spartan chronologies.<sup>1</sup> Particularly noteworthy, too, is the evidence for collation of the Athenian and Delphic archon-lists, precisely with regard to the period immediately after Solon.<sup>2</sup> It may have been found necessary to stretch the Athenian list to make it fit others. And this temerarious tampering with the record could have been justifiable. For the perplexities of A.P. 13, to which we may now turn, certainly support the view that the political struggles of the period after Solon's reforms had brought some confusion into the Athenian archon-list.

13. 1. (A) Σόλωνος δ' ἀποδημήσαντος, ἔτι τῆς πόλεως τεταραγμένης, ἐπὶ μὲν ἔτη τέτταρα διήγον ἐν ἡσυχίᾳ.

(B) τῷ δὲ πέμπτῳ μετὰ τὴν Σόλωνος ἀρχὴν οὐ κατέστησαν ἄρχοντα διὰ τὴν στάσιν.

For convenience of argument, let Solon's archon-year be designated year I. Then clause A evidently refers to the four following years, II–V; the relationship between the aorist participle ἀποδημήσαντος and the imperfect διήγον rules out the possibility that Solon's year was one of the four. And clause B certainly refers to year V, by the principle of inclusive use of ordinals. It has generally been thought that this reveals a contradiction; for, according to A, year V was passed ἐν ἡσυχίᾳ, whereas, according to B, year V was one in which there was στάσις and no election of archon. However, if the juxtaposition of ἡσυχία and στάσις made for a contradiction, this kind of contradiction would already be observable inside clause A, where it is said that after Solon's departure, (1) the πόλις was still in a state of confusion (τεταραγμένης), and (2) the Athenians lived in ἡσυχία for four years. Part of the solution to the problem must surely be to get a definition for the vague ἡσυχία that will allow it to coexist with παραχὴ and στάσις. In fact, A and B have to be read closely together: the meaning of the μὲν-clause in A is only fully clarified by the δέ-clause in B. That is, since B refers to non-election of archon, διήγον ἐν ἡσυχίᾳ is equivalent to 'lived under government by elected archons'. Hence there were archons in years II–V. But in year V, according to B, 'they did not elect an archon'. It seems to have been generally assumed that this must mean that year V was one of ἀναρχία, so that the contradiction with A would recur. But the precise interpretation of the words ought surely to be that *stasis* prevented the election in year V of an archon for the following year, and that, consequently, it was year VI that was the year of ἀναρχία.

If the text of 14. 1 is left unchanged, Solon's archon-year according to A.P.'s list is found to correspond to 592/1. So from the above discussion it results that the year of ἀναρχία corresponded to 587/6.<sup>3</sup>

13. 1. (C) καὶ πάλιν ἔτει πέμπτῳ διὰ τὴν αὐτὴν αἰτίαν ἀναρχίαν ἐποίησαν.

<sup>1</sup> Polybius 12. 11. 1.

<sup>2</sup> Schol. vet. in Pindari Carmina; Hypoth. Pyth. (Drachmann ii. 1–5) b, d; cf. Cadoux, op. cit. pp. 99 ff.

<sup>3</sup> Several scholars have seen the necessity of interpreting A as above, but have apparently failed to see that B can be inter-

preted in the same sense without the violence of taking πέμπτῳ as exclusive reckoning or otherwise ignoring its precise terms: cf. Bauer, op. cit., pp. 45 ff.; Wilamowitz, A. u. A. i. 10; Busolt, Gr. Gesch. ii<sup>2</sup>. 301, n. 3; De Sanctis, Atthis<sup>2</sup>, pp. 204 ff.; Beloch, Gr. Gesch. i<sup>2</sup>. ii. 161 ff.

Here there is an ambiguity. *ἀναρχίαν ἐποίησαν* might perhaps mean 'they had *ἀναρχία*'. (But *ἀναρχία ἦν* or *ἀναρχία ἐγένετο* would be more natural.) Or it could take its meaning from *οὐ κατέστησαν ἄρχοντα*,—the same sense differently expressed for the sake of variety. This seems preferable, because of the choice of the active verb *ἐποίησαν*, and because it is more in accord with the run of the whole sentence in which the parallelism between B and C is emphasized. The point being made is the equivalence of the intervals. In that case, in the fifth year from 587/6, namely 583/2, no archon was elected for the following year; hence there was *ἀναρχία* in 582/1, according to A.P.

13. 2. (D) *μετὰ δὲ ταῦτα διὰ τῶν αὐτῶν χρόνων Δαμασίας αἰρεθεὶς ἄρχων ἔτη δύο καὶ δύο μῆνας ἤρξεν, ὥς ἐξηλάθη βία τῆς ἀρχῆς.*

The crucial problem is, what does *διὰ τῶν αὐτῶν χρόνων* mean? It has generally been taken to mean 'after an interval of the same duration', a circumlocution for C's *πάλιν ἔτει πέμπτῳ*. But 'the use of the plural *χρόνων* is decidedly curious'.<sup>1</sup> It must also be considered strange that A.P. should have expressed himself so allusively. It is not obvious why he could not have written *διὰ πέντε ἔτων*, if that was what he meant.<sup>2</sup> What the phrase should mean, as it seems, is 'through the same period'.<sup>3</sup> The reference should be to the period just indicated in C.

If this is so, we are told that through the period 586/5–582/1 Damasias having been elected archon held office for two years two months. There was evidently no election of archon in Damasias' first and legal year for the next year, and his illegal second year was technically a year of *ἀναρχία*.<sup>4</sup> The obvious conclusion to be drawn is that Damasias' second year is identical with the year of *ἀναρχία* already mentioned in C, namely 582/1. It is true that the last two months of Damasias' usurpation were not actually within the period. But this seems to be covered by *μετὰ δὲ ταῦτα*. A.P.'s train of thought appears to explain itself thus. Having noted the *ἀναρχία* of 587/6, he is led by observing the symmetry of the intervals to mention the *ἀναρχία* of 582/1. Then his 'next' event is the violent end of Damasias' usurpation in 581/0, but to account for this he has to refer back to the previously mentioned interval, which covered most of Damasias' period. As a result, his form of expression becomes somewhat illogical. The train of thought could be represented as follows: 'after this [after 582/1] ((through the same period [586/5–582/1] Damasias having been elected archon [in 584/3 for 583/2] held office for two years two months until)) [in 581/0] he was deposed from the archonship by force.'

There is, of course, other evidence on Damasias' archonship. The *Marmor Parium* records it for the year 582/1: (ep. A 38) *ἀφ' οὗ [ἐν Δέλφοις] [ὁ στρε]φανίτης ἀγῶν πάλιν ἐτέθη, ἔτη ΗΗΗΔΓΙΙΙ, ἄρχοντος Ἀθήνησι Δαμασίου τοῦ δευτέρου*. If the phrase *τοῦ δευτέρου* is correctly used here, it should imply that Damasias

<sup>1</sup> Cadoux, op. cit., p. 94, cf. p. 95, n. 121, who nevertheless accepts the interpretation on the ground that 'it is difficult to see what else the Greek can possibly mean'.

<sup>2</sup> As supposed by L. J. D. Richardson, *op. cit.*, p. 95, n. 121, and Jacoby, *Atthis*, p. 351, n. 46. Clearly, too, this interpretation of 13. 2 will not square with the precise interpretation of 13. 1 proposed above. For if year I = 594/3, then *ἀναρχία* 589/8 and 584/3, and Damasias 579/8–

577/6. If year I = 592/1, then *ἀναρχία* 587/6 and 582/1, and Damasias 577/6–575/4. Neither of these dates for Damasias is reconcilable with our other information on him.

<sup>3</sup> 'Still within the same period'—K. von Fritz and E. Capp, *Aristotle's Constitution of Athens*, p. 80, but their interpretation of 'the same period' as the whole Solon–Komeas period (p. 158, n. 30) seems very improbable.

<sup>4</sup> Cf. Jacoby, *Atthis*, p. 175; Cadoux, *op. cit.*, p. 102.

was the second archon to bear the name (which is the case<sup>1</sup>) and, moreover, that one year, his first and legal year, was designated by his archonship.<sup>2</sup> In that case, Damasias' first year of archonship was 582/1, not 583/2, and the interpretation of A.P. worked out above could hardly be sustained. However, it is questionable whether a form of expression used by the Parian can be heavily relied on for absolute accuracy. The possibility that τοῦ δευτέρου is applied by him less than correctly cannot be ruled out. Thus if 582/1 was Damasias' second year, it could have been designated as ἐπὶ Δαμασίου τὸ δεύτερον though technically a year of ἀναρχία (just as 404/3 was commonly designated as ἐπὶ Πυθοδώρου though technically a year of ἀναρχία).<sup>3</sup> The Parian evidently did not use an archon-list,<sup>4</sup> and may simply have misread ἐπὶ Δαμασίου τὸ δεύτερον found in his source. An attractive alternative is that he found the full and precise designation ἐπὶ Δαμασίου τοῦ δευτέρου τὸ δεύτερον in the source, and simply omitted τὸ δεύτερον from the formula.

The other references to Damasias' archonship present less difficulty. The scholia on Pindar, like the Parian, date the institution of the Delphic ἀγών στεφανίτης to Damasias' archonship.<sup>5</sup> The year must be 582/1. They add no qualifier, neither τοῦ δευτέρου nor τὸ δεύτερον. But in their case it was not necessary to do so; they adequately define the year by putting in also the name of the Delphic archon, Diodoros.

Diogenes Laertius cites Demetrios of Phaleron's ἀρχόντων ἀναγραφὴ to the following effect:<sup>6</sup> καὶ πρῶτος σοφὸς ὠνομάσθη (sc. Thales) ἀρχοντας Ἀθήνησι Δαμασίον, καθ' ὃν καὶ οἱ ἐπτά σοφοὶ ἐκλήθησαν, ὡς φησιν Δημήτριος ὁ Φαληρεὺς ἐν τῇ τῶν ἀρχόντων ἀναγραφῇ. Cadoux has argued that 'it is hardly probable that he (Demetrios), whatever the Parian or a scholiast might do, would omit the qualification τὸ πρῶτον or τὸ δεύτερον if this was necessary to indicate the precise year'.<sup>7</sup> But though a precise writer<sup>8</sup> might be expected to put in τὸ δεύτερον if Damasias' second year was meant, it is not at all clear that he need insert τὸ πρῶτον if he meant Damasias' first year. Nor can we be sure that the compiler of the ἀρχόντων ἀναγραφὴ was prepared to admit Damasias' second year when it was technically a year of ἀναρχία. As far as the factual content of the reference is concerned, there is clearly no possibility of proving whether or no 583/2, Damasias' first year according to the present thesis, is the year referred to.

The issue, then, reduces to this. The interpretation of A.P. proposed here entails only that we assume a certain looseness in an expression in the Parian Marble. The alternative requires that we emend A.P. 14. 1 and accept a muddled interpretation of A.P. 13. 1-2. The former alternative seems to me preferable.

According to the above argument, then, the details of archons supplied by A.P. for the Solon-Komeas period may be tabulated as follows:

592/1 Solon.  
587/6 ἀναρχία.

<sup>1</sup> Dion. Hal. 3. 36. 1 records an earlier Damasias for 639/8.

<sup>2</sup> Cf. Cadoux, op. cit., p. 102, n. 162.

<sup>3</sup> Cf. Lysias 7. 9; A.P. 35. 1; 41. 1; Jacoby, *Atthis*, pp. 174-5, 351, nn. 48-50.

<sup>4</sup> Cf. Cadoux, op. cit., pp. 85, 102 n. 162.

<sup>5</sup> Cited p. 50, n. 2 above.

<sup>6</sup> Diog. L. 1. 22 (F.G.H. 228 F 1).

<sup>7</sup> Op. cit. p. 102.

<sup>8</sup> Professor Andrewes justly points out that the argument that Demetrios would not omit the qualification τὸ δεύτερον could only be pressed if we had Demetrios' actual words.

583/2 Damasias.

582/1 ἀναρχία (Damasias).

581/0 (Damasias δέμηρον) The Ten Archons.

561/0 Komeas.

If the hypothesis of insertion of two archon-years in the list as a result of subsequent research is correct, there is obviously much difficulty in attempting to reconstruct further the archon-list that A.P. had for this period. If the suggestion that Dropides was inserted between Solon and Phormion is right, A.P.'s list will have had Phormion for 591/0. This leaves three places to fill between Phormion and the ἀναρχία of 587/6. It so happens that later sources give us the names of just three archons who could be fitted into the vacant positions: Simon, Eukrates, Philippos. But one of them may have been the other intercalation, so that they cannot be placed in A.P.'s list with certainty.

On the other hand, A.P.'s data can still be used to help reconstruct the later, canonical archon-list. If Dropides was the first insertion, then the second must have found its place before the ἀναρχία of 587/6. For if an archon-year had been inserted after that, the ἀναρχία would have been pushed back into the year 588/7. Which is impossible, because 588/7 is solidly occupied in the later list by the archon Philippos.<sup>1</sup> Therefore, this list also will have placed the ἀναρχία in 587/6.

The archonship of Simon is dated to 591/0 by the Parian.<sup>2</sup> This leaves two places between Solon and Simon, which can be filled by Dropides and Phormion. The effect of the second insertion will have been to push Phormion up from 591/0 (A.P.) to 592/1.

The archonship of Eukrates was, according to Sosikrates,<sup>3</sup> the date of Anacharsis' visit to Athens during the 47th Olympiad (592/1–589/8). 592/1 and 591/0 being occupied, 590/89 or 589/8 remain for Eukrates.

The rest of the list should have been on the same lines as A.P.'s, so that the reconstruction of the canonical list may be given as follows:

594/3	Solon.
593/2	Dropides.
592/1	Phormion.
591/0	Simon.
590/89	} Eukrates.
589/8	
588/7	Philippos.
587/6	ἀναρχία.
583/2	Damasias.
582/1	Damasias II, or ἀναρχία.
581/0	(Damasias δέμηρον) The Ten Archons.
561/0	Komeas.

As to the relative historical value of the two archon-lists, we are evidently in the dark on the question whether the revision, if it was a fact, was done on solid grounds. However, in the disturbed years that followed Solon's reform

<sup>1</sup> Clem. Alex. *Strom.* 1. 127. 1; Synkellos (Dind.) 1, p. 429.

<sup>2</sup> *M.P.* ep. A 37 (327 years from 264/3; cf. Cadoux, op. cit., pp. 99 ff.). It follows

that the supposed insertions would have been made already by 264/3.

<sup>3</sup> *ep.* Diog. Laert. 1. 101.

there must be a chance that the records were not perfect. The deficiencies, if any, would perhaps be due to failure to register all years of ἀναρχία rather than to the omission of archons' names. But simply as a dating system the later list ought to be the more reliable guide, because it was related to other chronological records.

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ἐ δέ κα καταδ||κάκει ο δικάσας ἐναντῶι π|ράδδεθαι τὰ τρίτρα ἔ μείον, | πλίον  
δὲ μὲ· τὸ δὲ κρόνῳ τῶν δι|καστῶν ὀμνύντα κρίνεν. αἱ δέ | κα ναεύει ὁ δῶλος δ κα  
νικαθῆ||ι, καλῶν ἀντὶ μαιτύρων δυδν δ|ρομέων ἐλευθέρων ἀποδεικσάτ|ὸ ἐπὶ τῶι ναδὶ  
ὅπῃ κα ναεύει ἔ α|ντὸς ἔ ἄ(λ)λος πρὸ τούτῳ· αἱ δέ | κα μὲ καλῆι ἔ μὲ δείκσει,  
κατισ||[τάτ]ὸ τὰ ἐγ[ρα]μένα. αἱ δέ κα μὲδ' | αὐτὸν ἀποδδῖ ἐν τῶι ἐνιαυτῶι, | τὰνς  
ἀπλοῶνς τ[ε]μᾶνς ἐπικατ|αστασεῖ. vac. αἱ δέ κ' ἀποθάνει μ|όλιομένας τὰδ δι[κ]ας,  
τὰν ἀπλ|όον τιμὰν κατ(α)στασεῖ. vac. αἱ δ|έ κα κορ[μ]ίων ἀγέι ἔ κοσμῖόντο|ς  
ἄλλος, ἔ κ' ἀποστᾶι, μολέν, καὶ κ|α νικαθῆι, κατιστάμεν ἀπ[ὸ] δς | [ἀμέρα]ς ἀγαγε  
τὰ ἐγραμένα.

36. δικαστᾶς, Fabricius, al. ἐναντῶι, Comparetti, al. 37. TPSTPA: τρίτρα Fabricius,  
al.: τριτ(τ)ά Baunack, al. 40. δ κα Bücheler-Zitelmann ret. Buck, Guarducci, al. δκα  
Fabricius, Comparetti. 43. [ἐ]ὅπῃ Comparetti, al. 44. ἄλος corr. Buck 46.  
ἐγ[ρα](μ)μένα Schwyzler, al. 51. κατιστασεῖ, 5 pro A perperam incidit lapidarius.  
54. ἀπ[ὸ] δς sup. Guarducci, spatii ratione habita: ἀπ' [δ]s priores. Hiatus exempla etiam in  
3. 24 l., 32 l., 4. 36, *Inscr. Cret.* 4. 80. 12 55. [ἀμέρα]ς Bücheler-Zitelmann, al.; ἀπ' [δς]  
ο[δ]μελ](ῆς) dubitanter Comparetti

### The Context.

Seizure before trial is forbidden in an impending dispute about a free man or slave. But if a claimant anticipates judgement he is to be fined ten staters for seizing a free man, five for a slave, and he is ordered to release the seized person within three days (I. 1-7).

If this order for release is not obeyed, the offending party incurs another fine of a stater for a free man, a drachma for a slave, for each day until the order is obeyed, the judge deciding on oath about the time involved. If this offence is denied, the judge is to decide on oath, where there is no witness (ib. 7-14).

Procedure in cases of denial of seizure or of dispute about a person's status is laid down (ib. 15-24).

After the one in possession has been defeated, he is to release the free man within five days or give back the slave in hand. But if he should not comply, he incurs a penalty, where he detains a free man, of fifty staters and a stater a day until he releases him; or, in the case of a slave, of ten staters and a drachma a day until he gives him back in hand (ib. 24-35).

Thus, three separate processes, involving three fines, have been specified:

- (a) Seizure before trial involves an automatic penalty of ten or five staters.
- (b) If the order for release within three days, specified in addition to the fine in (a), is disobeyed, an additional fine of a stater or a drachma per day of illegal detention is incurred. The total incurred under (b) and added to (a) is to be settled by the judge.
- (c) The case has been decided and an order made for the 'one in possession' (ὁ ἔκων), if he loses the suit, to release the free man or restore the slave to the winner of the suit. If this order is disobeyed, the loser incurs another fine of fifty staters or ten staters, plus a stater or a drachma per day until the order is obeyed.

The loser who is ὁ ἔκων can therefore incur all three fines.

From this point until the penultimate line of the first column follows a series of related provisions quoted above, more difficult to interpret and complicated by uncertainties in the text or by its mutilation.

1. *Lines 35-39*

There is need to cite only the versions and comments of the two most recent editions of the Code to illustrate that the long-standing dispute about the interpretation of this provision is no nearer settlement than it was over half a century ago.

- (i) Guarducci:<sup>1</sup> *Translation*—'Anno vero peracto postquam iudex condemnaverit, tertiam exigat partem vel minus, non plus; de tempore iuratus iudex decernito.' *Comment*—'Lex igitur statuit anno post iudicium nondum peracto id multae quotidianae exigendum esse quod tertiam partem non superet pro toto anno pendendam—.'
- (ii) Buck:<sup>2</sup> *Translation*—'But at the end of a year after the judge has pronounced judgement, one may exact three times the amount (i.e. three times the original fines, instead of the accumulated fines for delay) or less, but not more. As to the time the judge shall decide under oath.' *Comment*—'The purpose of this last provision seems to be to prevent the accumulation of fines out of all proportion to the value of the slave.'

As Buck pointed out,<sup>3</sup> ἐνιαυτός has the meaning here of 'anniversary'. Hence the dative without ἐν is to be taken as = 'at a year's end'.

Emendation of τὰ τρίτῃρα has rightly been abandoned and we have to choose between two meanings, here as in another (unfortunately fragmentary) legal document from Gortyna,<sup>4</sup> i.e. 'the third part' or 'threefold'.

Supporting the meaning 'third part', Professor Guarducci translates and comments as above and adds: 'Aliis ut utar verbis, cum annus e 354 diebus plerumque constaret cumque multa quotidiana pro libero stater pro servo drachma esset, 118 sive stateres (pro libero) sive drachmae (pro servo) maximum exigendi erant. Recte vero ἐ μείον (v. 37) addit lex, cum, si minus quam 118 dies (scilicet tertiam anni partem) iudicio victus liberum servumve iniuria retinuerit, multa minor exigenda fuerit. Haec autem legis erga debitorem liberalitas eo videlicet spectat ne multa, in dies crescens, ipsum hominis pretium superet; quod creditori eam exigere volenti haud parvo impedimento esse poterat.'

Buck offered the same translation and interpretation of the meaning 'threefold' in his editions of 1928 and 1955.<sup>5</sup> But in the latter he omitted the concession made in the former: 'Some take τρίτῃρα as a third (i.e. of the accumulated fines).'<sup>6</sup> Presumably he had become more convinced about his opinion of the word's meaning, based on analogy with others formed of like suffix.<sup>7</sup>

Merriam<sup>8</sup> had also adopted the same view of the meaning, but with a different interpretation, viz.: 'But, if the judge shall have sentenced him to a fine, within a year thrice the value (of the person) or less shall be exacted, but not

<sup>1</sup> *Inscr. Cret.* 4. 72, pp. 142, 152.

<sup>2</sup> *The Greek Dialects*, p. 323.

<sup>3</sup> *Ibid.*; cf. *id.*, p. 357.

<sup>4</sup> *Inscr. Cret.* 4. 43Ab.

<sup>5</sup> *Greek Dialects*, 2nd ed. (1928), p. 262,

and *The Greek Dialects* (1955), p. 323.

<sup>6</sup> p. 262.

<sup>7</sup> *The Greek Dialects*, p. 132, para. 165. 3

s.v. -τρῶν.

<sup>8</sup> *A.J.A.* i (1885), 331, 341.

more; and according to the time the judge shall decide, confirming it by oath.<sup>1</sup> He commented: 'This provision seems to contemplate preventing the cumulative fine from passing beyond three times the value of the slave, within the year.' If we adopted the meaning 'third part', we might also argue that it is here ordained that the fine shall not exceed one-third the value of the person within a year.

Hence, the meaning of τὰ τρίτῃρα aside, we are left in doubt about the penalty. Was it assessed in terms of the value of the person, of the original fines, or of the cumulative fines?

But, if we agree that the meaning is 'threefold', there is another explanation which solves the difficulties. As we saw, in consequence of the three different legal processes, the loser who is ὁ ἐκὼν can incur all three fines. Therefore the passage can be translated: 'But at a year's end after the judge has pronounced judgement, the threefold fines are to be exacted, or less, but not more. As to the time the judge shall decide under oath.'

In other words, the case is to come before the judge again at a time a year later exactly specified by him, when a fixed maximum penalty (τὰ τρίτῃρα-πλίον δὲ μὲ) must be applied. This can be incurred only by the loser who is ὁ ἐκὼν. But a person who did not seize another before trial (as in process *a*), who also did not disobey the order for release within three days (as in process *b*), may have been found guilty of being in possession of a slave who did not belong to him (as in process *c*). If he has failed to restore the slave to his rightful owner, he now becomes liable to a penalty which is naturally less than the maximum which can be imposed (ἧ μείον).

The maximum penalty that could be incurred in a year of 354 days would therefore be, for detention of a free man 414 staters, for a slave 192 staters; and the minimum (for detention of a slave after his ownership has been proved) 187 staters.

## 2. Lines 39-46

Procedure is laid down in the event of the slave taking sanctuary.

ὅκα(ὅκα) = ὅτε is unlikely here because ἔκα would probably have been used to give the required sense of 'when' = 'after', if we compare usage elsewhere in the Code. At 1. 24 we find ἔδέκα νικαθῆι ὁ ἐκὼν; at 1. 35 ἔδέκα καταδικάσκει ὁ δικαστής; at 1. 53 ἔκ' ἀποστῆι; at 4. 31 ἔδέκ' ἀποθάνῃ τις; at 4. 44 ἔκ' ἀποθά[νε]ι; at 5. 9 ἔκ' ἀποθάνῃ ἀνὴρ ἔξ γυνά; at 7. 6 ἔκ' ἀποθάνῃ ἀμάτερ; at 8. 18 ἐν ταῖς τριάκοντα ἔκα φείποντι; at 9. 37 ἔδέκ' ἀποφείποντι; at 9. 52 ἔκ' ἐ[λ]θῆι ὁ συναλλάσσων. These examples can be contrasted with the use of ὅκα at 5. 5: αἱ ὅκ' ὁ Αἰθ[ι]άλεις (σ)ταρτὸς ἐκόσμιον οἱ σὺν Κύ[λ]λοι = 'since the time when the Aithalian *startos*, Kyllōs and his colleagues, formed the *kosmos*'.

The rejection of ὅκα produces a more difficult syntax. But the genitive ὁ can be explained as one 'of reference', paralleled by αἱ δέκα καὶ ν[ικ]αθῆι τῶν ἐνεκύρων in a near-contemporary document from Gortyna;<sup>1</sup> and the subject of καλίων and ἀποδεικασάτῳ is to be supplied from νικαθῆι, viz. ὁ νικαθὲς. That is to say, the passage should be so rendered as to place the onus of action on the loser (and not, as some have done, the winner) of the suit: 'But if the slave on whose account a man has been defeated take sanctuary in a temple, (the defeated

<sup>1</sup> *Inscr. Cret.* 4. 80. 9. Cf. also the genitive used to denote the matter or person involved, more clearly related to the familiar gen 'ive

of the charge or penalty, as in 1. 4-6 above: καταδικασάτῳ τῷ ἐλευθέρῳ δέκα στατῆρας, τῷ δόλῳ πάντε.

party), summoning (the successful party) in the presence of two free adult witnesses, shall point him out at the temple where he takes refuge, either himself or another for him; and if he do not summon or point out, let him pay what is written.<sup>7</sup>

Thus, there is no change of subject as we pass to what follows. The legislation is concerned with what the defeated party does or does not do in the light of the processes originally set out.

Finally, there is no ground for accepting Comparetti's (ἐ) ὁπερ, as indeed Comparetti himself later acknowledged.<sup>1</sup>

### 3. Lines 46–51

These two sentences contain two separate provisions. The first, as some scholars have pointed out, is somehow related to the passage (35–39) discussed above. But the plural τὰς ἀπλόους τιμὰς (as compared with the singular τὴν ἀπλόον τιμάν in the following sentence) and its relation with τὰ τρίτρα above, have not been satisfactorily explained. Again I quote from the two most recent editions to pose the problem raised in this first sentence.

- (i) Guarducci:<sup>2</sup> *Translation*—‘Si vero nec intra annum ipsum reddat, pretii simplum addito.’ *Comment*—‘46, μεδ’ cum ἐν τῷ ἐνιαυτῷ versus insequentis (‘ne intra annum quidem’) colligandum est, siquidem recte conieci vv. 46–49 cum vv. 35–39 olim cohaesisse. 48, Pluralis τιμαί et singularis τιμά promiscue usurpantur (cfr. vv. 50 sq.).’
- (ii) Buck:<sup>3</sup> *Translation*—‘If he does not even (referring back to ll. 34 ff.) surrender him (the slave) at the end of a year, he shall pay the simple fines in addition (to what is stated in ll. 34 ff.).’

Before the sentence can be explained, certain points of detail require discussion.

(a) μεδ’ is clearly, by its position, not connective, that function in any case being performed by δέ. Is it responsive, with a sense of climax, = ‘not even’? If so, the word-order is against a coupling with ἐν τῷ ἐνιαυτῷ (Guarducci). In normal usage, unless a connecting particle claims precedence, οὐδέ (μηδέ) so used should precede the word with which it is most closely connected.<sup>4</sup> Hence μεδ’ cannot be coupled with ἀποδοῖ (Buck). Still less with αὐτόν, which it does precede. If then μεδ’ can be neither connective nor responsive, we seem to have here another example, to be added to the passages from Herodotos cited by Denniston,<sup>5</sup> of the particle used to signify an emphatic negative = ‘not at all.’

(b) αὐτόν. Only the slave (so also Guarducci and Buck), (i) because of the difficulty of detaining a free man once doubt about his status has been legally settled and (ii) because he alone is specified in the preceding context (ll. 39–46).

(c) ἐν τῷ ἐνιαυτῷ. Buck<sup>6</sup> noted that the genitive of the ‘time within which’ is especially frequent in the early Cretan inscriptions, although ἐν with the dative is already the more usual expression. He compared *Leg. Gort.* 1. 25:

<sup>1</sup> See Guarducci, ad loc.; cf. *Inscr. Jur. Gr.* 1, p. 357 (accepting (Comparetti): ‘... le temple ou bien l’endroit où l’esclave a cherché asile.’)

<sup>2</sup> *Inscr. Cret.* 4. 72, pp. 142, 152.

<sup>3</sup> *The Greek Dialects*, p. 324.

<sup>4</sup> Denniston, *The Greek Particles* (2nd ed.), p. 199.

<sup>5</sup> *Ibid.*, p. 197. Cf. Hdt. 7. 168. 2 . . . ἀλλ’ οὐδὲ ταῦτά ἐστι, ὧ παῖ, θεῶν (‘but this is not a supernatural occurrence’), cited ad loc.

<sup>6</sup> *Ibid.*, p. 136.

λαγάσαι τῶν πέντ' ἀμερῶν with *ibid.* 1. 6: ἐν ταῖς τρισὶ ἀμέραις. ἐναντός I take to mean here not 'anniversary' as in 1. 36 and 4. 5, but ἔτος.

(d) τὰς ἀπλόους τιμ[ι]μάνς. To find plural and singular used with the same significance in two following sentences is too lucky a chance to evade suspicion. Rather, the contrast looks pointed and appeals for explanation. I prefer to translate 'the single penalties' (cf. Buck's 'simple fines' and Merriam's 'the sums one-fold').

The sentence to be explained is linked with what precedes (ll. 39-46) in the sense (a) that the loser of the suit is still the grammatical subject and (b) that action about a slave is still the concern of the provision. Lines 39-46 follow what has preceded them because they deal with a special contingency preventing the normal handing over of the detained slave to his rightful owner. Once the procedure in this special contingency has been settled, the law reverts to the topic of normal process. We now know the penalties involved if the order of the judge is disobeyed up to the time when evasion of the order has brought the case before the judge again at the end of a year's time. The offender has automatically incurred the maximum threefold fines or less specified in the original three processes. But this penalty resulted from legal action a year ago. Another action is now in process and the judge is empowered to impose an additional fine (ἐπικαταστασεῖ) consisting of 'the single penalties'.

What are they? They cannot be the fines imposed either in process (a) or process (b), because these were merged into process (c) as clarified by ll. 35-39. Therefore the additional fine now imposed is (logically enough in the circumstances) nothing more than a re-imposition of the largest possible fine as specified in ll. 32-34, that is to say, a fine of ten staters plus a drachma a day until the order is obeyed. A new yearly period begins as the old one began. Since the law must try to provide for all contingencies, the process now becomes theoretically indefinite.<sup>1</sup> Without this further provision we should not know, nor would the trespasser have known, what was likely to happen if he evaded the original order for more than a year. The fresh penalty imposed is compound, punishing past failure and providing for the possibility of further delay—hence the plural τιμάνς. But it is also single in the sense that it refers to action against ὁ ἑκὼν who has lost the suit: hence τὰς ἀπλόους, cf. τὰ τρίτρα.

We should therefore, I suggest, translate: 'But if he should not give him back at all within the yearly period, he shall in addition pay the single penalties' (i.e. as specified in process c).

There now follows a provision concerning action in case a person dies during the course of the trial. This person is usually understood to be the slave. Why? The contingency has surely been adequately provided for already. If the slave dies during trial (why not, incidentally, also the free man?) the offence of having seized him still remains; and the judge has been empowered in each process to specify the number of days that elapse. Why should an offender, if the slave dies while the suit is being tried, pay only the simple fine (i.e. without any additional fine for delay)? So Buck:<sup>2</sup> but the offence is no less; and the day of the slave's death could surely be ascertained.

Here again I see no reason to suppose an abrupt change of subject and translate: 'If he (the defeated party) die while the suit is being tried, he shall pay

<sup>1</sup> There was a deterrent in practice, because a person condemned for debt could be seized with impunity: see below, 1. 55-2. 1-2.

But is it likely that this right was freely exercised against all and sundry?

<sup>2</sup> *Ibid.*, p. 324.

the single penalty' (i.e. without the additional fines for delay). The legal obligations of heirs, in a variety of contingencies, are the subject of later provision, at 9. 24 ff., where, when the heirs have testified, and the plaintiff and witnesses have taken oath, the judge must decree that the plaintiff has judgement for the single penalty—*νικῆν τὸ ἀπλόν*. These contingencies include loss of a suit by the deceased. More precise provision follows at 11. 32 ff.

There is no point in leniency towards an offender if a slave dies during trial. There is point in leniency towards the heirs of a deceased offender.<sup>1</sup>

#### 4. Lines 51–55.

A further special regulation, qualifying the initial provisions against seizure before trial (ll. 1–14) confirms the evidence of an earlier document<sup>2</sup> that the *kosmoi* could not be involved in litigation during their term of office. This earlier document also makes clear that such temporary immunity from legal action was counter-balanced by deterrents against possible abuses of privilege by an official;<sup>3</sup> and so we have some clue to the nature of the mutilated final portion of this interesting and important provision of the Code.

The word *σήμελές* occurs in the earlier document; but the bearing of that document on this provision of the Code is not so direct as to render plausible its restoration here. Comparetti's tentative *σ[ήμελ](ές)* has rightly been rejected in favour of [δ]ς [*ἀμέρα*]ς.<sup>4</sup> This restoration makes excellent sense in the context; and *ἀμέρα* has already occurred five times in this first column. Considering the space available after *ἀπ'*, however, Professor Guarducci's *ἀπ[ὸ δ]ς* is a likely improvement.

If we accept the restoration then, the translation will be: 'And if one who is *kosmos* make a seizure or another (seize the slave) of one who is *kosmos*, they are to contend after he resigns, and, if defeated, he shall pay what is written from the day he made the seizure.'

Although the *kosmos* cannot be involved in litigation, the same immunity is granted to the man who trespasses against him. The *kosmos* cannot take advantage of his office and the trespasser cannot be placed at a disadvantage. But the temporary immunity involves a further responsibility at law. Though redress is postponed, the original date of offence remains valid and is legally recognized as soon as the magistrate resigns office. When he does resign, past immunity can become additional punishment, in the case of the magistrate for taking advantage of his privileged position to commit a trespass, in the case of a trespasser for showing disrespect towards a state official.

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<sup>1</sup> Cf. the comment on 11. 32 ff. in *Inscr. Jur. Gr.* 1. 479: 'Cette disposition, analogue, sauf l'écriture, à notre bénéfice d'inventaire, est conçue en termes très généraux et montre qu'à Gortyne il n'y avait pas, comme dans la Rome primitive, d'héritiers nécessaires

*tenus ultra vires.*'

<sup>2</sup> *Inscr. Cret.* 4. 41. IV.

<sup>3</sup> See my *Aristocratic Society in Ancient Crete*, p. 109.

<sup>4</sup> Cf. now Guarducci, *ad loc.*



## NOTES ON THE DECREE OF THEMISTOCLES

DR. JAMESON'S *editio princeps* of his major discovery at Troizen (*Hesperia*, xxix [1960], 198–223) will long remain essential for the study of this document. The following jottings are largely footnotes to the rich material which he has collected. Their main preoccupation is linguistic, and I abstain from any attempt to fit the decree into its historical setting. The gap between 480 B.C. and our copy is so long that it is hardly to be expected that the authenticity of the decree will go unchallenged, and this exploration of some points in the language may help towards a decision.<sup>1</sup>

What is the date of the copy? Jameson comes down firmly for the late fourth century, and finds the most likely historical context between 330 and 320. I find the lettering rather later than this, and the parallels which Jameson cites do not seem very close. Dated texts from the Argolid are not common, but our text seems perceptibly later than, for example, *I.G.* iv<sup>2</sup>. 68 (303 B.C.), in the shapes of *sigma*, *omikron*, and *theta*. We shall never know for certain, but I confess to a leaning to the first quarter of the third century. It may be more than a pleasant fancy to note that Krateros, compiler of the *ψηφισμάτων συναγωγή*, was in control of Troizen about 280 (Polyaen. 2. 29. 1; Front. 3. 6. 7). Such a postponement of our publication will not affect the question of authenticity, since Jameson has shown that a text of the decree existed in the early 340's (Dem. 19. 303), and it does not seem likely that the texts will have differed substantially.

I pass to a review of some points in the text. It must be admitted at once that the prescript is suspicious. We possess no Athenian decree earlier than the Phaselis decree (*G.H.I.* 32; cf. Wade-Gery, *Essays in Greek History*, pp. 180 ff.) which has *ἔδοξεν τῇ βουλῇ καὶ τῷ δήμῳ*, but no one could say *a priori* that this is impossible. There is no indication of prytany, secretary, or epistates. Again, none of these features appear before the Phaselis decree in an epigraphic text, but it is clear from Plutarch, *Moralia* 628 c, that he thought that the decree proposed before Marathon had a prytany-indication. If both texts are genuine, there is an anomaly. More seriously, it seems in the highest degree improbable that any official copy of a fifth-century decree ever gave the patronymic and demotic of the proposer, and we must conclude that here at least there has been tinkering since 480, though tinkering of an entirely natural kind. It is difficult to know how much importance to attach to these discrepancies. The decree will have passed through some form of literary transmission. There is perhaps an instructive parallel in the Athenian decree for Lycurgus, which begins, in its epigraphic form (*I.G.* ii<sup>2</sup>. 457) [*ἐπὶ Ἀναξικράτους ἄρχοντος*] *ἔδοξεν τῷ δήμῳ*. *Στρατ[οκλῆς Εὐθυδήμου Διομευῆς]* *εἶπεν*. The literary text (Plut. 852 a) has *ἐπὶ Ἀναξικράτους ἄρχοντος ἐπὶ τῆς Ἀντιοχίδος ἑκτης πρυτανείας*. *Στρατοκλῆς Εὐθυδήμου Διομευῆς εἶπεν*, and there is no reason to doubt the prytany-indication. Both prescripts are formally incomplete; they have made different selections from the official text.

Lines 4–5 *τῇ[μὲν πόλιν παρακ]ατ[αθέ]σθαι τῇ Ἀθηνᾷ τῇ Ἀθηνῶν [μεδείο]ύ[σῃ]*. We should do justice to *παρακαταθέσθαι*, a bold and lively metaphor. Even

<sup>1</sup> I am greatly indebted to Mr. J. P. Gould for help and discussion.

when the metaphor becomes relatively common in the fourth century, it is not found of gods as far as I know, although objects deposited in temples are regularly and literally παρακαταθήκαι. Is πόλις acceptable in 480, for Athens and Attica as a whole? καλεῖται . . . ἡ ἀκροπόλις μέχρι τοῦδε ἔτι ὑφ' Ἀθηναίων πόλις (Thuc. 2. 15), a sentence to which we shall return, but this hardly proves that the word could not be used otherwise. In this sense, fifth-century inscriptions normally define it ἡ πόλις ἡ Ἀθηναίων, in relation to another πόλις. τὸν πόλιν ἀναλὼν ὅσον ἀ[ν δέεται] (I.G. i<sup>2</sup>. 98. 12, 415 B.C.) is far away from the sense here. But there is Aesch. *Eum.* 475 ἀμομφον δ' ὄντα σ' αἰρούμαι πόλει (cf. 572, 698, 701, etc.). Since Themistocles was not writing verse, he doubtless said Ἀθηναίαι himself, but no importance can be attached to the corruption in a copy of this date. Ἀθηναίων μεδέουσα in an Attic decree is, I think, a little strange. I find myself in clear agreement with Preuner, *Ath. Mitt.* xlix (1924), 31-34, unfortunately unknown to Jameson, who has all the evidence on this and similar phrases. The title is basically East Greek, and all the other evidence suggests that Ἀθηναῖα Ἀθηναίων μεδέουσα is Athena Polias looked at from outside Athens. Having come to this conclusion, Preuner denies that Themistocles can have used the phrase, and assumes that, if the decree is genuine, Aristides had a better text when he wrote in the *Panathenaicus* (i. 226, line 1, Dindorf) τὴν μὲν πόλιν ἐπιτρέψαι τῇ πολιούχῳ θεῷ. There is certainly a question-mark to be chalked up against the decree here, whether it leads us to an editor or a forger. The rest of the sentence depends too much on the readings for profitable discussion.

Line 7 [τοὺς ξένους] τοὺς οἰκοῦντας Ἀθήνησι; restoration certain, guaranteed by l. 13 and l. 30, and surely very striking. For these are real metics, as their registration with the polemarch shows (l. 30), but they are not called such, although the word is standard usage in Athens from at least the 460's (Aesch. *Suppl.* 609; I.G. i<sup>2</sup>. 188. 52). I do not think it likely that a forger would have failed to use μετοίκους. Themistocles may well have abstained from it. It should be remembered that the Solonian law (Plut. *Sol.* 24. 4) gave full citizenship (τοῖς) πανεστίοις Ἀθήναζε μετοικισμένοις ἐπὶ τέχνῃ.

Line 11. Would Themistocles have used ἐν τῇ ἀκροπόλει? We have already quoted Thucydides on the point, and the epigraphic evidence for official language is copious and unambiguous. The earliest use is in the second Kallias Decree of 434 (*A.T.L.* 2. D2. 5) and remains isolated for another twenty-four years (*A.T.L.* 2. D9. 11). Herodotus uses it freely, but the only Athenian, except Kallias, before Thucydides, is the author of *Ded. Ath. Acr.* Raubitschek 40, writing c. 500 B.C., but constrained by the hexameter. If Themistocles wrote ἐν τῇ πόλει, it would have been unambiguous in this sentence, despite the more generalized use in l. 4. The odds seem to be in favour of ἐν τῇ ἀκροπόλει being due to an editor or a forger.

Lines 14-18. If the cry of fourth-century rhetoric is raised against the decree, it will have to concentrate on these lines. I should be sorry to think that Themistocles was incapable of a little rhetoric on this occasion, and there is nothing late in the language. Jameson has quoted Hdt. 7. 144. 3 ἅμα Ἑλλήνων τοῖσι βουλομένοισι and 7. 178. 2 Ἑλλήνων τοῖσι βουλομένοισι εἶναι ἐλευθέροις. Is this a rallying cry which started in 510? Compare 5. 64. 2 Ἀθηναίων τοῖσι βουλομένοισι εἶναι ἐλευθέροις. κοινωνήσῃν is, I think, unobjectionable. Aesch. *Septem* 1033 τοιγὰρ θέλουσ' ἄκοντι κοινωνεῖν κακῶν, φύχῃ, whatever accentuation and punctuation one prefers, is not far away.

Line 20 [καταρχομένο]νς αὐριον ἡμέραι. A surprising phrase, but the *upsilon*

of [καταρχομένο]us is clear even on the photograph. It might be thought that ἡ αὐριον ἡμέρα is absent from Attic inscriptions, and not found at all until Xen. *Oec.* 11. 6 and Lys. 26. 6, whichever of those is the earlier. It is of course strongly implied by Soph. *Trach.* 945–6, where ἡ γ' αὐριον is picked up by τὴν παρούσαν ἡμέραν in the next line. However, the first legible letter of *I.G.* i<sup>2</sup>. 46. 26 (438 B.C.?) could as well be *alpha* as *gamma*. There has been a reference to a thirty-day period, and I long ago noted [ho δὲ χρόνος τῆς] αὐριον ἡμέρας ἀρχοσά[το as a likely restoration. However, since we cannot fix the line-length, there is no means of telling whether the article was present or omitted. The surprising feature of our phrase is the omitted article, otherwise not found except in the manuscript of Theocr. 30. 19, and almost certainly to be emended away there. The passages collected by Kühner–Gerth i. 609 for omitted article with a noun qualified by an adverb or an adverbial phrase hardly satisfy one here, where one is dealing with an adverb quite capable of producing the right sense without its noun, whether with or without an article. It seems then most likely that αὐριον ἡμέρα is an idiomatic temporal phrase, which feels no need of the article, like πρὸς ἔω (see Wackernagel, *Vorlesungen über Syntax*, ii. 149). If one seeks a further explanation, one might suppose that the adverb is felt almost numerically, and that the phrase is paralleled by εἰς τρίτην ἡμέραν (*A.T.L.* 2. A9. 34–35; 425 B.C.). But such an idiom seems unlikely at a time when ἡ αὐριον or ἡ αὐριον ἡμέρα is established, as they were in the fourth century (cf. the frequency of ἡ τήμερον ἡμέρα in Demosthenes, Lycurgus, and Deinarchus). I am disposed to claim the oddness of the phrase as an argument for early date.

Lines 20–21 ἐκ τῶν κ[εκ]τημέν[ων οὐσία]ν [πατρώ]αν Ἀθ[η]νῆσι. This qualification to be a triarch is perhaps for the constitutional historian the most interesting phrase in the document, and it is regrettable that, as far as I can see, there can be no certainty about the restoration. The *nu* of [οὐσία]ν does not seem to show on the photograph, but, even if it did, we should hardly feel entirely happy. Jameson very properly quotes Deinarchus 1. 71, the qualifications for general and speaker in the assembly τοὺς μὲν νόμους προλέγειν . . . παιδοποιεῖσθαι κατὰ τοὺς νόμους, γῆν ἐντὸς ὅρων κεκτήσθαι, πάσας τὰς δικαίας πίστεις παρακαταθέμενον, οὕτως ἀξιοῦν προεστάναι τοῦ δήμου· σὲ δὲ τὴν μὲν πατρώαν γῆν πεπρακέναι. . . . But there is no question here that the land has to be inherited. πατρώαν is only relevant because Demosthenes has had land; he has *inherited* it, but lost it like the man in Anaxippus 1. 32 who ate his πατρώα οὐσία. Similarly, Kritias F45 Diels is non-technical. When Themistocles entered public life, he has τρία τάλαντα . . . τὴν οὐσίαν τὴν πατρώαν, which he inherited, by contrast to what he had when he went into exile. The basic trouble about Jameson's restoration is that it is unspecific. οὐσία in Attica does not imply land,<sup>1</sup> and anyone who had inherited five drachmai from his father would qualify. We either want a reference to land or to the value of the property. Even forgers saw this clearly enough; see the property-qualifications in *Ath. Pol.* 4 or, on a lower level of efficiency, but closer to our text, in Dem. 18. 106. As far as I can see, we get nowhere by attempting to replace πατρώαν with another adjective, since ἐγγείαν, φανέραν, and ἐλευθέραν (which does not meet the basic difficulty) do not fit the space, and διμναίαν is in all probability too small a sum. If the doubtful *nu* of [οὐσία]ν stands, we must admit defeat. If it goes, I have found one way out, reading [ων γῆν τάλαντια]αν, or even, with hesitation, from the photograph,

<sup>1</sup> Users of L.S.<sup>9</sup> should beware of the false trail laid by the reference to *B.S.A.* xxiv. 154; the correct reading there is *θυσιῶν* (cf. *S.E.G.* 2. 7).

ταλαντι]αίαν. The point of basic interest, the failure to define the qualification by the Solonian τέλη, raises questions too wide to be considered here.

Line 26 δια[νέμειν δὲ καὶ τὰς ἄλλας ὑπηρεσίας ἐπὶ τὰς ναῦς. Here Jameson's restoration must be abandoned out of hand, for it is three letters too long. But it has other difficulties too. I do not include the present infinitive δια[νέμειν], for there is another in l. 31, which offends as much or as little.<sup>1</sup> The trouble lies in τὰς ἄλλας ὑπηρεσίας. ὑπηρεσία is an unlucky word, with a flagrantly inaccurate definition in L.S.<sup>9</sup>. To judge from *I.G.* ii<sup>2</sup>. 1951, the officers or specialists covered by it are the κυβερνήτης, πεντηκόνταρχος, κελουστής, αὐλητής, ναυπηγός, πρωιράτης. We do not of course know how many of these separate functions existed in 480. It is clear from several passages of Demosthenes 50 that ὑπηρεσία does not cover the ἐπιβάται. That being so, τὰς ἄλλας has no meaning. Jameson has failed to observe that in all the passages he quotes ἄλλη ὑπηρεσία is contrasted with κυβερνήτης, including *Lysias* 21. 10, which he quotes for a contrast with πλήρωμα. Here there is no contrast and no place for ἄλλας. Restore, for example, δια[κληρώσαι δὲ καὶ τὰ] ὑπηρεσίας (my readings from the photograph). There seems to be a factual difficulty here, but I am not sure that it is of a magnitude to cast doubt on the authenticity of the text. No indication is given of the source from which the specialists are to be drawn. Triremes are newish things in Athens, and it can hardly have been easy to raise a thousand or so specialists.

Lines 26–27 ὅταμπερ κ[αὶ τοὺς τριηράρ]χους ἐπικληρώσω. We should certainly note that ὅταμπερ is apparently only to be found in epigraphic Attic, and, I think, only in the fifth century.

Line 29 λευκώματα. Not elsewhere before *Lysias* 9. 6 (or perhaps the law in *Dem.* 24. 23, which presumably goes back to near the beginning of the fourth century). Fifth-century language is very varied, πινάκιον λελ[ευκωμένον] in *A.T.L.* 2. D7. 43–45, σανίδα λελ[ευκωμένην] in *I.G.* i<sup>2</sup>. 75. 5 (cf. *Hesperia* xxviii. 249). A consideration of words in -ωμα in Buck–Peterson suggests that one would not have expected this formation in official Attic as early as 480, although such words are common in Aeschylus.

Lines 31–32 ἀναγράφειν δὲ νέμοντας κατὰ τάξεις [ἴσας διακοσίας π]ᾶ[ν]τα τὸν ἀριθμόν Jameson, and he translates: 'They are to write up the names assigning the whole number to 200 equal divisions.' I find this very hard to believe. ἴσας almost demands a qualification to show that it means 'equal in number'. It seems highly unlikely that πάντα τὸν ἀριθμόν can mean 'the whole group', when no number has been mentioned and no numeration contemplated. These considerations seem to demand that a word meaning 'equal' and τὸν ἀριθμόν should be made to support each other. That πάντα is much less likely than ἅπαντα in fifth-century Attic is comparatively trivial. The most probable solution seems to be κατὰ τάξεις [διακοσίας ὡς ἰσότα] τὰ τὸν ἀριθμόν, and I fancy that I can read most of this on the photograph. ἰσότατα will be a *koine* corruption (cf. *S.I.G.*<sup>3</sup> 531. 30) of Attic ἰσαίτατα.

Lines 38–40. The Gods. An extremely odd collection, and, I would have thought, beyond the imagination of any fourth-century forger. They are surely all deities who have to do with success in war, and, as two of them have no

<sup>1</sup> That official Attic is less sensitive about the difference between aorist and present than we would like to believe can be easily shown, but would require an excessive amount of space here. I will, however, take

the opportunity to point out that the missing letters in lines 23 and 27 of *I.G.* ii<sup>2</sup>. 105 (*G.H.I.* 136) can only be supplied by reading ἐπενεγκεῖν instead of ἐπιφέρειν in both places.

known regular cult in Athens, I think we must reject Jameson's supposition that the ἀρεστήριον is to placate them preparatory to the removal of sacred objects. In any case, the Zeus who is nearest to the *xoanon* of Athena is Μοιραγέτης (*I.G.* i<sup>2</sup>. 80). The fact that the two irregular deities make no other appearance in accounts of the war makes their appearance in the fifth-century drama more interesting. Twenty-two years later there would still be many to recall this ἀρεστήριον when they heard (not saw, with an upper case or lower case initial *pi*) οὐδ' ἀτιμάσω πόλιν, τὰν καὶ Ζεὺς ὁ παγκρατὴς Ἄρης τε φρούριον θεῶν νέμει, ῥυσίβωμον Ἑλλάνων ἄγαλμα δαιμόνων (*Eum.* 917–20). Again, it would be unwise to join Jameson in writing off *Acharnians* 682 γέροντας . . . οἷς Ποσειδῶν ἀσφάλειός ἐστιν ἢ βακτηρία as comic. We cannot tell how much importance to attach to the scholion τιμᾶται δὲ Ποσειδῶν ἀσφάλειος παρ' αὐτοῖς, ἢν' ἀσφαλῶς πλέωσι. What is important is that old men in Aristophanes have all fought the Medes, including these, who have just reminded us (677) that their present treatment is οὐκ ἀξίως ἐκείνων ὧν ἐναυμαχῆσαμεν. They even fought at Marathon, we find at 698. Old men remember many things about the Persian Wars. The best example is *Wasps* 1075–90, with the tiny but surely genuine details at 1085–6. Our old Acharnians fought at sea with Poseidon Asphaleios behind them, as they and the audience remember. Now their Poseidon Asphaleios is their stick, no more. Note the prayers to Poseidon Soter, recorded by Herodotus 7. 192.

A small doubt attaches to Νίκη by herself. In official Attic she is nearly always Ἀθηναία Νίκη, from her sixth-century altar onwards (*Ded. Ath. Acr.* Raubitschek 329). The only exception, I think, is *I.G.* i<sup>2</sup>. 89. 13 ἐς τὸν νεὸν τῆς Νίκης, which gives the impression of being a shorthand title. Perhaps Themistocles said καὶ Ἀθηναίαι τῇ Νίκῃ. But she stands by herself at *Lysistrata* 317, and, perhaps more to the point, in the oracle in *Hdt.* 8. 77.

Lines 41–42 ταῖς μὲν ἑκατὸν αὐτῶν . . . ταῖς δὲ ἑκατὸν αὐτῶν. A remarkable inelegance, to which I have so far found no parallel (*Thuc.* 6. 71. 1 is mild by comparison), and surely a sign of early date.

Line 43 ναυλοχέω earliest in Herodotus, with 7. 192. 2 and 8. 6. 1 particularly close to the usage here, but ναύλοχος is Homeric.

Line 44 ὁμονοεῖω is attested for fifth-century epigraphic Attic; *I.G.* i<sup>2</sup>. 140. 11 ]ζοντας καὶ ὁμονοόντα[s].

Lines 45–46 τοὺς μὲν μεθεστηκότας τὰ [δέκα] ἔτη. I find this the clearest single piece of evidence for authenticity. These men have been ostracized, but the word is not used, although forms of it are frequent and universal in general literature from Herodotus (8. 79. 1) onwards. It is not used because it is not the official word, perhaps even because it does not yet exist. The official word is μεθίστημι occurring only, as far as I can see, in the following passages: Philochorus 328 Εἰς τοῦτον ἔδει τὰ δίκαια δόντα καὶ λαβόντα ὑπὲρ τῶν ἰδίων συναλλαγμάτων ἐν δέκα ἡμέραις μεταστῆναι τῆς πόλεως ἔτη δέκα, *Schol. Knights* 855 τοῦτον ἔδει ἐν δέκα ἡμέραις μεταστῆναι τῆς πόλεως: εἰ δὲ μὴ γένοιτο ἐξακισχίλια, μεθίστατο (not in the parallel accounts, *Pollux* 8. 19, *Plut. Arist.* 7. 6, *Diodorus* 11. 55. 2), *Arist. Pol.* 1284<sup>a</sup>21 ὡστράκιζον καὶ μεθίστασαν ἐκ τῆς πόλεως χρόνους ὀρισμένους, *Plut. Them.* 11. 1 γράφει ψήφισμα, τοῖς ἐπὶ χρόνῳ μεθεστῶσιν ἐξεῖναι κατελθοῦσι πράττειν καὶ λέγειν τὰ βέλτιστα τῇ Ἑλλάδι μετὰ τῶν ἄλλων πολιτῶν, *Plut. Arist.* 8. 1. ἐψηφίσαντο τοῖς μεθεστῶσι κάθοδον, *Aristides* 46, p. 248 *Dind.* ὅσοι τῶν πολιτῶν μεθεστήκεσαν, τούτους καταγαγεῖν συνεβούλευσεν. There is reason to believe that all these passages depend, directly or indirectly, on



documents. A forger who avoided τοὺς ὠστρακισμένους would have shown remarkable restraint and knowledge.

Lines 46-47 καὶ μένειν αὐτοῦ [μέχρι ἂν ὅτου τι τῶι δῆμ]ω δόξῃ will certainly not do in Attic. We require ἕως ἂν. Perhaps [ἕως ἂν ἀγαθόν τι τῶι δῆμ]ω δόξῃ, but I feel no great confidence in it.

One further general point about the language, on the avoidance of hiatus. Statistics are difficult to assemble, and the samples are small, with the results liable to distortion from the special vocabulary of each text. But such tests as I have been able to apply do suggest that hiatus is rather less frequent in this text than one would expect. Definitions of significant hiatus will vary, but I count in this text about 9 examples in 350 words, against 18 out of 473 in the Chalkis decree, 15 out of 324 in the first Kallias decree, 12 out of 215 in the first Methone decree. Whether this is statistically significant I would not like to say. The disproportion is certainly a great deal less striking than that with, say, *I.G.* ii<sup>2</sup>. 204 (352-1) with only two or three examples in well over 400 words, but I suspect that that is an exceptional text, and that earlier in the fourth century the average will run nearer that in our text.

This, I think, remains my main doubt about the authenticity of the text. For the rest, such arguments as I have been able to draw from the language only confirm the case put forward by Jameson. There are arguments which lead one to suspect an editor. I see no reason to suspect forgery. There are too many traces of official and archaic language.

I would dedicate these notes to the memory of R. H. Dundas, who died while they were being written. For fifty years his enthusiasm for what was new in Greek history, whether in fact or theory, had been a constant stimulus and pleasure to his pupils and friends. The decree of Themistocles was the last, but not the least, spark which fired that enthusiasm.

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## THE AUTHORSHIP OF *METEOROLOGICA*, BOOK IV

THE so-called fourth book of Aristotle's *Meteorologica*<sup>1</sup> is not about meteorological phenomena at all. It describes the formation out of the four elements of 'homoeomerous' substances, by which are meant minerals such as stones and metals, and organic substances like flesh, skin, and hair, and the changes they can undergo under the influence of heat, cold, and moisture. Most commentators, ancient and modern, have seen that it has very little to do with the first three books of the *Meteorologica* to which it is attached, and Alexander suggested (p. 179. 3) that it should be placed after the second book *de Generatione et Corruptione*. Its real place remained disputed,<sup>2</sup> but until the end of the last century no one seriously questioned that it is a genuine work of Aristotle. More recently scholars have begun to doubt its authenticity. The first to do so was I. Hammer-Jensen, who suggested that it was written by Strato of Lampascus, the head of the Peripatetic school c. 288–270.<sup>3</sup> Ross and Jaeger agree in regarding it as spurious, without accepting the idea that Strato was its author. Joachim, however, treats it as genuine in his commentary on the *G.C.*, and it has since been defended by V. C. B. Coutant, H. D. P. Lee, and I. Düring.<sup>4</sup>

Hammer-Jensen chiefly relies on two arguments to support her thesis. Firstly she considers that the attitude reflected in this book is too 'mechanistic' for Aristotle; the writer, she finds, lays too much emphasis on the part played by natural and 'instrumental' causes, and pays too little attention to the formal and final causes, which Aristotle regarded as more important. Secondly she thinks that our book shows evidence of Atomist influence in the theory of 'pores' which is used to explain why heat and moisture do not act in the same way on all substances. According to Hammer-Jensen, both features indicate that the author was Strato, who tried to explain the physical world entirely as the product of natural causes, and believed that all material substances contain void interstices. At the same time she claims to find several references to our book, including at least two of a polemical character,<sup>5</sup> in Aristotle's zoological writings; so she is driven to suppose that Strato wrote it as a very young man while Aristotle was still alive, and that Aristotle knew it and took it into account when composing his later works.

I hope to show that Hammer-Jensen was right to question the Aristotelian authorship of *md*. But her view that it is the work of Strato is untenable, and Lee has no difficulty in refuting it. The broad outlook of this book is not so very

<sup>1</sup> I shall refer to this treatise by the abbreviation *md*. My other abbreviations are mostly as in Liddell and Scott, ed. 9.

<sup>2</sup> Cf. the passages quoted in Ideler's edition of the *Meteorologica* (1834), ii. 347–89.

<sup>3</sup> Hammer-Jensen, 'Das sog. IV. Buch der Meteorologie des A.', *Hermes*, 1 (1915), 113–36; Ross, *Aristotle*, p. 11; Jaeger, *Aristoteles*, pp. 412 f.; cf. Regenbogen, 'Theophrastos von Eresos', *R.E.* Suppl. VII, col. 1418.

<sup>4</sup> Coutant, *Alexander of Aphrodisias: Commentary on Book IV of Aristotle's Meteorologica*; Columbia dissertation, 1936 (I have not been able to see this book). Lee, introd. to the Loeb ed. of *Meteor.*, 1952, pp. xiii–xxi. Düring, 'Aristotle's Chemical Treatise', etc., *Göteborgs Högskolas Arsskrift*, 1 (1944), no. 2.

<sup>5</sup> *P.A.* 649<sup>a</sup>18, cf. *md* 380<sup>a</sup>7, etc.; *G.A.* 735<sup>b</sup>13 ff., cf. *md* 383<sup>b</sup>20 ff. Also *G.A.* 734<sup>a</sup>24 ff., cf. *md* 390<sup>b</sup>2 ff.

different from Aristotle's, and if the writer deals mainly with the material and efficient causes of the phenomena he describes, that is due to the nature of the subject-matter, as he explains near the end of the book (390<sup>a</sup>3); 'for the final cause is least obvious where matter predominates', i.e. when dealing with substances at a comparatively low level of organization. Such an apologia could not have come from Strato, who as far as we can tell took no account of final causes at all. Some other apparent divergences from Aristotle can be explained in the same way; e.g. when it is said (382<sup>b</sup>3) that all compound substances are composed of earth and water, characterized by the qualities dry and moist respectively, this is not a denial of the doctrine (*G.C.* 334<sup>b</sup>31, etc.) that all bodies contain all four elemental qualities. In this one passage the author is only concerned with this pair of qualities; but elsewhere he explains that compound substances contain all four, dry and moist as the 'passive' qualities of matter, hot and cold as the 'active' qualities or forces which differentiate all substances and give them their physical character (384<sup>b</sup>28). It is particularly unfortunate that Hammer-Jensen should have brought the question of Atomist influence into this argument. Two of the most prominent features of *md*, the admission of teleology and the insistence that chemical change is due to the dynamic action of heat, cold, and other 'powers' of this kind, are foreign to Atomism; even the theory of 'pores', as Lee has shown, is really quite different from Atomist doctrines to which it bears a slight resemblance. Nor is it true that Strato was influenced by Atomism to any large extent, although this is often asserted. Finally, the suggestion that Strato could have written *md* early enough to have influenced Aristotle's later work is manifestly impossible. Strato lived until 270 at least, more than fifty years after Aristotle's death; Aristotle can only have known him as a promising beginner, if he knew him at all.<sup>1</sup>

There is, however, one fundamental point in which *md* diverges from Aristotle's teaching, and on this the case against its authenticity rests. Aristotle insisted that all material substances are continuous and homogeneous; a reaction between two suitable substances takes place when their surfaces touch, beginning in the part of the patient nearest to the agent and spreading from there until the whole is affected (*G.C.* 1. 9). But in *md* we find a theory that bodies are riddled with tiny channels or 'pores' through which one substance can penetrate and act upon another. They are used to account for three kinds of phenomena:

1. Chemical change proper, i.e. hardening and softening, 'concoction', and so on (381<sup>b</sup>1, 385<sup>a</sup>29, <sup>b</sup>19, 24, 387<sup>a</sup>19; cf. 384<sup>b</sup>10).
2. Compression (386<sup>b</sup>2).
3. Certain secondary characteristics of some substances, e.g. friability, brittleness, and so on.

The nature of these 'pores' is revealed by a definition of substances that can be squeezed or compressed: *πιέζεται δὲ ὅσα πόρους ἔχει κενούς συγγενούς σώματος, καὶ πιεστὰ ταῦτα ὅσα δύναται εἰς τὰ ἐαυτῶν κενὰ συνιέναι καὶ εἰς τοὺς ἐαυτῶν πόρους*;<sup>2</sup> the pores need not be empty, but may be filled with a substance softer than the surrounding body, as in a sponge full of water. Things cannot be squeezed if they have no pores into which to contract, or if their

<sup>1</sup> In addition Hammer-Jensen's essay is marred by a number of small errors and mis-translations, of which Düring (p. 107) gives a comprehensive list. It is a pity that his cen-

sorious eye has not saved him from serious blunders of his own.

<sup>2</sup> *md* 386<sup>b</sup>2, +387<sup>a</sup>15; contrast Arist. *Phys.* 217<sup>a</sup>20 ff.

pores are filled with matter harder than they are themselves. From this we learn that the pores interrupt the continuity of bodies and are either empty or filled with foreign matter.

In the passages dealing with qualitative change the pores are treated as gaps through which foreign substances can penetrate into bodies. They allow moisture to enter or leave and so to produce hardening and softening; sometimes they are contracted by heat or cold to such an extent that moisture can no longer pass through them and the body is impervious to any change in which moisture is involved. If meat, instead of being roasted properly, is scalded (*μωλύνειν*) by excessive dry heat, its pores are closed up and the moisture in it is prevented from leaving, with the result that it remains raw inside, while the outside is burned.<sup>1</sup> In one instance we hear that the pores also admit fire: *ἔστι καυστὰ ὅσα ἔχει πόρους δεκτικούς πυρός*, 387<sup>a</sup>19. Water and fire apparently consist of particles which cannot be reduced beyond a certain size and will not act on substances whose pores are smaller than their particles (385<sup>a</sup>28, <sup>b</sup>20). If the pores stretch evenly through the whole, the effect of the water will be uniform and complete and the substance will be dissolved; if they are uneven and go in different directions (*παραλλάξ εἰσι*), the water's action will be uneven, and one part may be dissolved while another is only softened (385<sup>b</sup>21 ff.). The water's action may be limited if the pores are too 'hard'.<sup>2</sup>

Not only are a number of changes effected through the pores, but some at least of the moisture of which a thing is constituted is thought of as lying in them and not as completely fused with the other constituents; combustible things are defined as those which have pores capable of admitting fire and not enough moisture in their longitudinal<sup>3</sup> pores to master it. The brittleness of some substances is also due to their pores; those with long parallel pores can be broken or split, those with pores going in all directions crushed (386<sup>a</sup>15, 387<sup>a</sup>2). Things are viscous if they consist of parts that interlock like the links of a chain.<sup>4</sup>

Naturally attempts have been made to reconcile this theory with Aristotle's view, either by denying that the 'pores' described in *md* are real gaps in bodies, or by trying to prove that Aristotle himself was prepared to admit the existence of such gaps in some cases. The first course was adopted by Olympiodorus, who suggests that by 'pores' the writer meant those parts of a piece of matter which are most easily affected by external forces: *πόρους νῦν λέγει ὁ Ἀριστοτέλης οὐ τῷ ὄντι πόρους, ἀλλὰ τὰ εὐπαθέστερα μόρια τὰ ἐν τῷ σιδήρῳ πόρους ἐκάλεσε* (in *Meteor.* 313. 24 f., cf. 325. 3). According to Olympiodorus, this suggestion came to him from his teacher, Ammonios son of Hermecias;<sup>5</sup> its meaning is revealed by the following passage of Aristotle, from which it is clearly derived:<sup>6</sup> *Τίνα δὲ τρόπον ὑπάρχει τοῖς οὐδοῖς γενῶναι καὶ ποιεῖν καὶ πάσχειν, λέγωμεν λαβόντες ἀρχὴν τὴν πολλάκις εἰρημένην. εἰ γὰρ ἔστι τὸ μὲν δυνάμει τὸ δ' ἐντελεχείᾳ τοιοῦτον, πέφυκεν οὐ τῇ μὲν τῇ δ' οὐ πάσχειν, ἀλλὰ πάντῃ καθ' ὅσον ἔστι τοιοῦτον, ἦττον δὲ καὶ μᾶλλον ἢ τοιοῦτον μᾶλλον ἔστι καὶ ἦττον· καὶ ταύτῃ πόρους ἂν τις λέγοι μᾶλλον, καθάπερ ἐν τοῖς μεταλλομένοις διατείνουσι τοῦ παθητικοῦ φλέβες*

<sup>1</sup> *md* 384<sup>b</sup>10, 385<sup>a</sup>29, <sup>b</sup>19, 24; 381<sup>b</sup>1~Thphr. *Ign.* 74.

<sup>2</sup> *σκληροτέρους τοῦ ὕδατος*, 385<sup>b</sup>20; probably the walls of the pores are meant.

<sup>3</sup> *κατ' εὐθυωρίαν*, 387<sup>a</sup>20.

<sup>4</sup> *md* 387<sup>a</sup>12, (*γλισχρά*) *γίνεται τῇ ἐπαλάξει ὅσα ὥσπερ αἱ ἀλύσεις σύγκεινται τῶν σωμάτων.*

<sup>5</sup> In accordance with his usual practice Olympiodorus does not mention his name, but refers to him as *ὁ μέγας φιλόσοφος*; cf. the index to the Berlin edition, s.v. *Ἀμμώνιος*.

<sup>6</sup> *G.C.* 326<sup>b</sup>29-35; in his commentary on this passage Philoponus uses the expression *εὐπαθέστερα μόρια* (p. 184. 19).

συνεχέις. This is the beginning of Aristotle's account of chemical change, based on his fundamental distinction of potential and actual being. Any body that is susceptible to change has potentially a set of characteristics opposed to those it has actually; e.g. a body which is actually cold is potentially hot. Since matter is continuous, this susceptibility is spread throughout the body; every part of a cold body is potentially hot. But some parts may have it in a higher degree than the rest; in Joachim's words: 'There may be, as it were, lines or "veins" of intense potential heat (and therefore of intenser susceptibility) in it, just as there are "veins" in the metals, along which they are specially susceptible to action.'<sup>1</sup> In Aristotle's opinion it is legitimate to talk of 'pores' only if the word is used to denote these lines of greater susceptibility.

If Olympiodorus is right, this is the meaning of the word in *md*; but his interpretation does not stand up to scrutiny. The 'pores' acknowledged by Aristotle are not gaps interrupting the continuity of the bodies containing them, but veins of the same stuff endowed with the same properties, only in a higher degree. In *md*, however, they are treated as openings through which fire or moisture may enter, and the language is unambiguous: they are δεκτικοὶ πυρός (387<sup>a</sup>20), they may be large enough to admit particles (δγκοί) of water (385<sup>b</sup>20), they may close up (συνιέναι, 381<sup>b</sup>1, 385<sup>a</sup>29, μῦσαι, 381<sup>b</sup>3) so as to shut moisture out or in (ἐγκατακλείειν, 381<sup>b</sup>2). In the most revealing passage of all, they are said to be 'empty of kindred stuff' (κενὸς συγγενοῦς σώματος, 386<sup>b</sup>2), i.e. of matter similar to that of the surrounding body. There is no way of reconciling the last statement with Aristotle's words, and no ground for supposing that the meaning of πόρος here is not the same as in the rest of the book.

An alternative line of defence is that Aristotle allowed the existence of pores, as described in *md*, at least for some purposes. But we have already seen that his explanation of chemical change did not require pores; and in fact Aristotle himself attacks earlier theories of that kind, both in the *Physics* (2. 6 ff.) and the *de Gen. et Corr.* (1. 8). The first of these passages contains a general refutation of the view that void exists, whether in the form of infinite space or of small gaps in the physical world. It includes a paragraph in which he specifically denies that condensation and rarefaction are due to the presence of void (217<sup>a</sup>10-26). To Aristotle, these are a kind of 'qualitative change' (ἀλλοίωσις), in which the same substrate receives one quality in place of another; e.g. a body which is rare and therefore potentially dense, becomes actually dense. In *G.C.* 1. 8 Aristotle deals with the problem of void as it affects our view of chemical change. Most of the chapter is devoted to a critique of Atomist doctrines which does not concern us here. But he also refutes the idea that chemical reactions are due to the penetration of one substance through the pores of another,<sup>2</sup> and this part of his argument is worth analysing here:

1. If the pores are filled with matter of some kind (as Empedocles supposed), they are as impenetrable as any solid body and their presence does not help to explain chemical action. This remains true if we make a logical distinction and say that the pores, *qua* pores, are empty, but that they are always filled with matter in the actual world (326<sup>b</sup>6-16).
2. If the pores remain empty because they are too small to receive any body, we are forced to admit that a small void can exist but a large one cannot;

<sup>1</sup> H. H. Joachim, edition of *G.C.*, 1922, p. 172.

<sup>2</sup> *G.C.* 1. 8. 324<sup>b</sup>25-35, 326<sup>b</sup>6-28, cf. Joachim, ad loc.

but void is by definition space capable of receiving bodies (cf. *Phys.* 208<sup>b</sup>26, etc.), so that for every body there must exist a void of equal size to contain it (326<sup>b</sup>16-20).<sup>1</sup>

3. The assumption of pores is superfluous. If one substance does not act on another when it touches its surface, it will not act on it any more through entering its pores. But if it does act on its surface, action and reaction will take place even if there are no pores; for the one substance will have the capacity of acting on the other, the other of being acted upon (326<sup>b</sup>21-26).
4. Since all bodies are continuous magnitudes and can be divided at any point, it is absurd to suggest that they are divided by pores along which they can be split (326<sup>b</sup>26-28).

These criticisms are aimed primarily (though not exclusively) at Empedocles, but they are equally relevant to the theory of *md*. The first two together cover any theory of pores whatever, whether the pores are conceived as empty or as filled with foreign matter. The third can apply to the account of chemical action found in our book; the fourth to the doctrine that bodies split along their pores, so that substances which have pores going lengthwise can only be split in that direction, while those which have pores going in all directions can be broken or crushed completely (*md* 387<sup>a</sup>2, 386<sup>a</sup>15). Aristotle has left no loophole in his argument. It is no use protesting that the doctrine of *md* differs in some unspecified way from the theory to which he objects, or that, to quote Düring (p. 76), 'Aristotle could well imagine that there existed pores facilitating' chemical processes. Aristotle did consider this idea, and his words leave no room for doubt as to his opinion. He calls it false, superfluous, and ridiculous. Nor is it likely that he should have changed his mind. There is no question here of a minor inconsistency. The point at issue is a fundamental one to which, judging by the trouble he took to establish his view, Aristotle attached a great deal of importance.

Nevertheless, Düring asserts that Aristotle was converted to the theory of pores after writing *G.C.*, and has mustered some passages to bear out his contention (p. 75 f.). These we shall now examine.

1. *Anal. Post.* 94<sup>b</sup>27-31: ἐνδέχεται δὲ τὸ αὐτὸ καὶ ἕνεκά τινος εἶναι καὶ ἐξ ἀνάγκης, οἷον διὰ τοῦ λαμπτήρος τὸ φῶς· καὶ γὰρ ἐξ ἀνάγκης διέρχεται τὸ μικρομερέστερον διὰ τῶν μειζόνων πόρων, εἴπερ φῶς γίνεται τῷ διέναι, καὶ ἕνεκά τινος, ὅπως μὴ πταίωμεν.

When Aristotle wrote this, he was not primarily concerned with physical theories. His object was to illustrate the meaning of necessary as opposed to final causation, and he chose Empedocles' account of transparency as an example, though his own explanation was quite different (*G.C.* 326<sup>b</sup>11, *de An.* 418<sup>b</sup>4 ff.); to show that he did not accept it himself he added the reservation εἴπερ φῶς γίνεται τῷ διέναι. When it made no difference he sometimes used theories he did not hold in this way, e.g. his definition of μαλακόν at *Cat.* 9<sup>a</sup>27 (contrast *G.C.* 330<sup>a</sup>8, *md* 382<sup>a</sup>12), or the use made of 'visual ray' theories in *Meteor.* 3. 4 ff., explained at 374<sup>b</sup>22 and by Alexander in *Meteor.* 141. 20.

2. *H.A.* 518<sup>a</sup>2-5: τῶν συνεχῶν δὲ τὸ δέρμα ἐν ἅπασιν τοῖς ζώοις, καὶ ταύτῃ διαλείπει ἢ καὶ οἱ κατὰ φύσιν πόροι ἐξικμάζονται (ἐξικμάζουσι Dittmeyer) καὶ κατὰ τὸ στόμα καὶ ὄνυχας.

<sup>1</sup> Cf. Verdenius and Wassink, *Aristotle, On Coming-to-be and Passing-away; Some Comments* (Leiden, 1946), pp. 52-53.



This raises an interesting point. Aristotle often speaks of πόροι in animals, meaning the veins, seminal passages, and other channels which Plato called διέφοδοι, and sometimes he uses the word to denote the pores in the skin, as in the passage just quoted.<sup>1</sup> Now if the sentence is read as a whole (Düring's quotation stops short at ἐξικμάζονται) it appears that he did not regard these pores as belonging to the skin as such, but rather to the complex 'anhomoeomeric' organ formed out of the homoeomeric substances such as flesh, bone, skin, and nails. The skin leaves off (διαλείπει; not 'is pervious', as Düring translates) where there are pores, just as it leaves off at the nails.<sup>2</sup> The idea of 'pores' included in the structure of homoeomeric substances may have grown out of this, but there is no evidence that it belongs to Aristotle.

3. Finally there are three passages in which Aristotle says that water can pass through some solids. In no case does he admit that this is due to pores. At *G.A.* 743<sup>a</sup>8 ff. he compares the movement of liquid nourishment (i.e. blood) through the veins and other πόροι of living organisms with the way water oozes through the walls of unbaked<sup>3</sup> earthenware vessels. Since unbaked earthenware is a form of earth, and earth is capable of absorbing water and giving it off again, Aristotle had no need of pores to explain this phenomenon. In two other places he refers to an experiment to prove that the saltiness of the sea is due to an admixture of earthy matter in its water (*H.A.* 590<sup>a</sup>24, *Meteor.* 2. 3. 358<sup>b</sup>35): if a sealed waxen<sup>4</sup> jar is left in the sea for some time, some water will get in through the sides, and this will be found to be fresh, or at least drinkable; that is to say, the water, but not the foreign matter, can somehow filter through (διηθεῖν) the sides of the vessel. Düring thinks that this happens because the pores in the wax are large enough to admit particles of water but not the grosser matter mixed with it; but this would not explain the separation of the water. According to Aristotle, sea-water, like wine and other flavoured liquids, is a mixture<sup>5</sup> of water and other substances. Now the term μεῖζις has a very definite meaning for Aristotle: it means a perfect fusion of two substances, so that the properties of both are completely merged and a new substance, different from any of its constituents, is produced.<sup>6</sup> In such a mixture there would be no separate particles of its grosser or finer components, and it could not be decomposed by a simple mechanical process of sifting. Aristotle himself gives no indication what he really thought of this experiment. The reason may be that he accepted it on hearsay, possibly from an Atomist source; modern scholars who tried to repeat it have found that it does not work.<sup>7</sup> I conclude that Düring has failed to make out his case and that there is no independent evidence for ascribing to Aristotle a doctrine of pores such as is found in *md*.

Our book, then, does not belong to Aristotle or Strato; we must look for a different author. Fortunately there is no need to go far afield. A theory of pores like the one it contains is regularly used by Theophrastus in his short scientific

<sup>1</sup> e.g. *G.A.* 782<sup>b</sup>1, but not 747<sup>a</sup>11, 773<sup>a</sup>15; cf. *Index Arist.* 622<sup>a</sup>20.

<sup>2</sup> Note in this connexion that φλέψ is regularly listed as a homoeomeric substance, e.g. *P.A.* 647<sup>b</sup>17, *md* 388<sup>a</sup>17; cf. *Index Arist.* 824<sup>a</sup>25.

<sup>3</sup> ὥμοις κεραμίοις; Düring distorts the sense when he writes that Aristotle 'has observed that water trickles through pottery, especially when it is imperfectly burnt'.

<sup>4</sup> ἀγγεῖον κήμων; Düring (p. 76) proposes to read κεράμειον.

<sup>5</sup> μεῖζις, σύμμεκτις, *Meteor.* 2. 3. 358<sup>b</sup>18–21, 34.

<sup>6</sup> *Arist. G.C.* 1. 10; cf. Joachim (*Journ. Philol.* xxix [1904], 72–86).

<sup>7</sup> Cf. D'Arcy Thompson on *H.A.* 590<sup>a</sup>24 (in the Oxford transl.); Lee on *Meteor.* 359<sup>a</sup>5; Diels (*Hermes*, xl [1905], 310–16).



monographs.<sup>1</sup> I shall only quote one example, which helps to clarify the meaning of this theory and its place in Theophrastus' system. His problem is to explain why dry heat melts metals and similar substances, but steam does not; the answer he gives is as follows (*Ign.* 42):

'The reason is that a substance which can be melted (by heat), being of the class of watery substances, requires dry heat if it is to be melted;<sup>2</sup> for like is not affected by like. In addition (*ἀμα δὲ*) the fact that its pores are incompatible (*ἡ ἀσυμμετρία τῶν πόρων*) prevents its admitting (moisture; for moisture) consists of large particles (*μεγαλομερές γάρ*).<sup>3</sup>

Here two conditions are distinguished, both of which must be fulfilled before a reaction can take place. The agent and patient must be *dynamically* compatible; in Aristotelian language, there must be an agent capable of acting on the patient, and a patient capable of being acted on by the agent. But they must also be *structurally* compatible; it is not enough for a potential agent to touch the surface of a suitable patient, as Aristotle thought; a more intimate contact is required. This distinction is not explicitly stated in *md*, but it is implied throughout, and explains many of the obscurities of that book. It is not a casual suggestion, but a deliberate modification of Aristotle's principle.

Some other features of *md* have parallels in Theophrastus' work. One is the treatment of cold. In *md*, material substances are divided into those which are solidified by heat and by cold,<sup>4</sup> but it is clear that heat was regarded as the primary agent of chemical change. Cold is defined as the *ἔνδεια* or *στέρξης* of heat (379<sup>a</sup>19, 380<sup>a</sup>7, 384<sup>b</sup>28) and said to belong to the realm of passive matter much more than heat (382<sup>b</sup>5, 389<sup>a</sup>29). Its action is destructive (382<sup>b</sup>7) and it acts *κατὰ συμβεβηκός*; it can cause decay by weakening a thing's natural heat (379<sup>a</sup>18 ff.) or act positively by expelling the heat, and with it the moisture, contained in anything.<sup>5</sup> It can also act indirectly by the process known as *ἀντιπερίσταςις*, by which, it was supposed, heat and cold react on one another in such a way that whichever happens to predominate compresses the other and as it were drives it into a corner. In this way heat could be concentrated by cold and forced into an object, where it would act all the more violently.<sup>6</sup> Aristotle's attitude was slightly different. As a logical concept, he too defined cold as the privation (*στέρξης*) of heat.<sup>6</sup> But at *P.A.* 649<sup>a</sup>18 he says that it is a *φύσις* in its own right, not merely a privation,<sup>7</sup> and at *G.C.* 329<sup>b</sup>24 ff. he treats hot and cold as independent forces with an equal part in the cycle of elemental change. They are the active powers contrasted with the passive moist and dry; hot acts by separating unlikes and congealing whatever is homogeneous, cold by bringing together likes and unlikes equally.

Theophrastus' treatment of cold (*Ign.* 8, 14) is closer to that of *md*. The law of *ἀντιπερίσταςις* which plays such an important part in that book, was used by Aristotle to explain a few meteorological phenomena (*Meteor.* 348<sup>b</sup>2, 347<sup>b</sup>6),

<sup>1</sup> Thphr. *Ign.* 28, 38, 42, 45, 61; *Od.* 13, 19, 40; cf. *Lap.* 19 and Strato, fr. 56 init. Also (Arist.) *Col.* 793<sup>a</sup>24, and in the *Problems*.

<sup>2</sup> The same doctrine occurs at *md* 382<sup>b</sup>32, 383<sup>a</sup>7, 385<sup>a</sup>27.

<sup>3</sup> *md* 382<sup>b</sup>32, 385<sup>a</sup>23, cf. Thphr. *Lap.* 3.

<sup>4</sup> *md* 382<sup>b</sup>19, 383<sup>a</sup>18, cf. Thphr. *Ign.* 8.

<sup>5</sup> *md* 382<sup>b</sup>8 ff., cf. Thphr. *Ign.* 14, etc., Arist. *Meteor.*, 348<sup>b</sup>2 with Lee's note.

<sup>6</sup> Arist. *Cael.* 286<sup>a</sup>26, *G.C.* 318<sup>b</sup>17, *Metaph.* 1070<sup>b</sup>12.

<sup>7</sup> Hammer-Jensen (p. 128) and Düring (p. 70) agree in thinking that this is a deliberate correction of *md* 380<sup>a</sup>7; Düring is forced to suppose that Aristotle had changed his mind after writing *md*. But *G.C.*, which is certainly earlier than *md*, contains the same doctrine.

but it was Theophrastus who first formulated it—in language almost identical with *md* 382<sup>b</sup>8 ff.—and employed it systematically to account for chemical and biological facts (*Ign.* 14 ff., *C.P.* 2. 8. 1, etc.).

The following passages also deserve individual consideration:

379<sup>a</sup>16: πάντα ὕλη τῷ πυρί. Düring compares *G.C.* 335<sup>a</sup>18, where Aristotle says that fire is the only one of the four elements or 'simple bodies' which can be said to be 'nourished' (τρέφεσθαι) by the others, though in fact all the elements come out of each other; for fire is μάλιστα τοῦ εἶδους, because it has a tendency to move to the outward perimeter of the world. Perhaps a closer parallel is the remark of Theophrastus (*Ign.* 3) that fire, at least as we see it on earth, is always tied to a substrate, and that this is what older thinkers meant by calling the other elements its τροφή.

379<sup>b</sup>18–33. The process by which a thing achieves its proper form or perfection through the agency of its innate heat (ὑπὸ θερμότητος τῆς οἰκείας) was referred to as 'concoction', πέψις. It is contrasted with putrefaction, σήψις, which takes place when the 'external' heat of the environment overcomes the innate heat of any substance and causes changes in its composition analogous to those which might be produced by concoction (*md* 379<sup>a</sup>11 ff.). Yet at <sup>b</sup>28 putrefaction is mentioned as a species of concoction, together with boiling and roasting. The reason is that, although as a rule putrefaction is the cause of degenerative changes, it does sometimes happen that the external heat completes a process of maturation which would normally be brought about by the innate heat. An example which Theophrastus gives elsewhere (*C.P.* 2. 8. 2) is that fruit which has been picked while still unripe (i.e. before the 'natural heat' of the tree has had time to ripen it) grows sweet and edible afterwards. This is not a normal instance of ripening (πέπαισις), as if the fruit had remained on the tree, but is more accurately called putrefaction (σήψις). His point is that the process is unnatural, although it brings about a state of perfection in accordance with the nature of the object.

Düring has missed this point, and only refers to 389<sup>b</sup>8 ff., where it is said that συντήγματα, morbid humours formed from waste-products in organisms, are products of σήψις. His statement that in the latter passage semen is classified as a σύντηγμα, and therefore a product of putrefaction, rests on a misunderstanding; it is emphatically contradicted by Aristotle, *G.A.* 725<sup>a</sup>1.

381<sup>a</sup>10 ff. The discussion of boiling and roasting meat is also found in Theophrastus, *Ign.* 74. In both places the need for a due 'proportion' of the heat to the object is stressed and from the correspondence it looks as if Theophrastus has this passage in mind. Of course he might be quoting Aristotle, and there are considerable differences of language in the two passages. Compare *H.P.* 2. 3. 2, *C.P.* 5. 3. 1, where Theophrastus quotes *G.A.* 770<sup>b</sup>20 (on the κάπνεος—vine), though he expands Aristotle's account.

382<sup>b</sup>30, the condensation of πνεῦμα. Düring (p. 82) adduces two instances from Aristotle of liquid turning to πνεῦμα (*G.A.* 735<sup>b</sup>15, 755<sup>a</sup>19). Examples of the reverse process are found in Theophrastus, *Sud.* 26, that after hard exercise πνεῦμα turns into sweat, cf. *Vent.* 56. Aristotle believed that ἄτμις, not πνεῦμα, condenses to form rain (*Meteor.* 1. 9 346<sup>b</sup>29).

383<sup>a</sup>19: ὅσα μαλακά ἀλλὰ μὴ ὑγρά. Contrast *G.C.* 330<sup>a</sup>10 τὸ μαλακὸν ἐστὶ τοῦ ὑγροῦ. The difference is significant. The author of *md* no longer regards softness as due to the quality of an object but to its having pores; his definition of μαλακός 382<sup>a</sup>12 is the same as of πικστός 386<sup>a</sup>30.

383<sup>a</sup>32. The interest in steel-making would fit Theophrastus, who often uses everyday processes to illustrate his theses (e.g. *Od.*, *passim*, *Vent.* 58).

383<sup>b</sup>5. The *πυρίμαχος* and *μυλῖαι* are mentioned together as stones that melt in Theophrastus, *Lap.* 9. *md* gives a slightly fuller account, but it is possible that Theophrastus' minor works, as we have them, are shortened versions of the originals.<sup>1</sup> The whole passage should be compared with Theophrastus, *Lap.* 9-10.

383<sup>b</sup>20 ff. In spite of some superficial resemblances and Düring's fanciful disquisition (p. 85) this passage differs from Aristotle, *G.A.* 735<sup>b</sup>13 ff. In *G.A.* the thickening of oil is explained by the admixture of pneuma; heat thickens it by turning the moisture it contains into pneuma (<sup>b</sup>15), cold by thickening the pneuma (<sup>b</sup>31). In *md* the thickening is due to the pneuma being turned into water, either by the direct action of cold or by external heat destroying the oil's natural heat. On the other hand, heat makes oil white by evaporating the water into pneuma. (Here the writer seems to contradict himself; Alexander (*in Meteor.* 209. 3) appears to feel the difficulty but his explanation does not add much to what is said in the text.) There is no evidence that the doctrine of *G.A.* is a development of *md*, as Düring asserts. That the whiteness of snow is due to its being foam and containing pneuma is taught by Theophrastus ap. Ibn Bāhlul 39, as well as by Aristotle, *G.A.* 735<sup>b</sup>21.

384<sup>b</sup>24-385<sup>a</sup>10 closely resembles the opening of Theophrastus, *de Lapidibus* (1-3). Both begin by describing the origin of the homoeomerics and then discuss their special characteristics, and both seem to refer back to the last chapter of Aristotle's genuine *Meteorologica*.<sup>2</sup> They have simplified his doctrine that minerals are created when dry and moist 'exhalations' (*ἀναθυμιάσεις*) are condensed under pressure below ground, and explain their origin by the action of heat and cold on earth and water; *ἀναθυμιάσεις ἐγκατακλείμεναι* are mentioned in *md* (384<sup>b</sup>34), but only as an afterthought.

In both these passages only gold and silver are mentioned as examples of metals (*md* 384<sup>b</sup>33, *Lap.* 1). Aristotle in his parallel passage (*Meteor.* 378<sup>a</sup>28) names gold, iron, and copper. In *md* iron is generally contrasted with the other metals as having a higher proportion of earth in its composition. At *md* 385<sup>b</sup>11 the writer agrees with Aristotle (*Meteor.* 378<sup>a</sup>28) that iron is *ἐλατός*, but insists that it is made of earth rather than water, though it contains some moisture; at *md* 383<sup>a</sup>31 and 388<sup>b</sup>31 iron and horn are named as examples of substances mainly composed of earth, which can be softened but not melted except by very intense heat; the list of inorganic homoeomerous substances at *md* 388<sup>a</sup>14 includes bronze, gold, silver, tin, iron, and stone, in that order. The same distinction is occasionally found in Theophrastus' writings; at *Ign.* 35 iron, copper, stone, and earthenware are listed as hard substances which retain heat. It looks as if the author of *md* tried to go beyond Aristotle's simple classification of minerals as stones or metals by subdividing the metals according to the proportion of earth and water in them. Such subdivision is a characteristic feature of Theophrastus' work.

In the following chapters the author professes to deal with the 'passive' (385<sup>a</sup>7) qualities of matter, which he later identifies with the 'tactile' qualities (388<sup>a</sup>12, *διαφοραὶ κατὰ τὴν ἀφήν*); they are distinguished from those properties that seem to affect the senses in a positive manner: colour, flavour, hot and

<sup>1</sup> Regenbogen, 'Theophrastus', *R.E.* Suppl. VII, col. 1416. 42.

<sup>2</sup> 378<sup>a</sup>17 ff., cf. Alexander, *ad loc.*, p. 213. 22; Regenbogen 1418.

cold, and so on.<sup>1</sup> Theophrastus draws the same distinction in *Lap.* 3 ff., but here puts the qualities perceived by touch with the other sensible qualities and only classes as 'passive' those which do not in themselves belong to any of the senses, chemical qualities such as solubility and combustibility. In addition he seems to distinguish a class of active faculties in a stricter sense, though he does not discuss this any further; presumably the power of quicklime to burn, and similar properties, are meant.

385<sup>a</sup>22. Cf. 382<sup>b</sup>31 ff.; this account of *πήξις* is summarized by Theophrastus, *Lap.* 3 init.

386<sup>a</sup>15. Cf. Thphr. *Lap.* 11: τοὺς μανούς καὶ ὧν ἡ σύμφυσις τοιαύτη θραυστοῦς. *md* goes a little farther, but both attribute brittleness to the way in which the substances have been put together, and not to the inherent qualities of their constituents.

387<sup>a</sup>12. See above, p. 69. Alexander (*in Meteor.* 217. 5) explains the passage as follows: 'Those bodies are viscous which are so constructed that their parts alternate and interlock (ὥστε ἐπαλλάσσειν τὰ μόρια ἀλλήλοις καὶ τὸ ἕτερον τῷ ἑτέρῳ συνηρηθῆσθαι) like chains, and are not easily separated (εὐαπόλυτον).'

387<sup>a</sup>26. The account of the conversion of 'fumes', including smoke, into other substances bears a general resemblance to Strato's fr. 88SA init. The definition of wind as a 'continuous current of air', rejected by Aristotle, *Meteor.* 349<sup>a</sup>17 ff., is also found in Theophrastus, *Vent.* 29.

387<sup>b</sup>18. The carbuncle (ἀνθραξ) is also described by Theophrastus, *Lap.* 8 and 18, as a hard, incombustible stone used for signet-rings.

389<sup>b</sup>18. The hardest bodies become most intensely hot and cold. Cf. Theophrastus, *Ign.* 35.

390<sup>b</sup>2. Homoeomerous substances can be produced by the action of chemical forces, i.e. instrumental causes, alone, while the production of anhomoeomerous substances requires the guidance of nature (or art). This is opposed to what Aristotle says at *G.A.* 734<sup>b</sup>27 ff.

390<sup>b</sup>15. The insistence that elementary substances should be studied in different ways from the more complex could come from Theophrastus, who says quite clearly that each thing must be studied in the way appropriate to it (*ἰδίου τρόπος*, *Metaph.* 22, cf. *H.P.* 1. 1. 4, Regenbogen 1393. 42 ff.). The tendency to limit teleology to the higher forms of being is also found in his works (Theophrastus, *Metaph.* 15 f., 28 ff., cf. Arist. *Metaph.* 1075<sup>a</sup>16 ff.).

Thus it is clear that the whole book has been considerably influenced by Theophrastus' teaching; some general considerations point in the same direction. Theophrastus wrote a large number of essays on special problems of natural science, including one with the title *περὶ πήξεων καὶ τήξεων*, which would cover a large part of the subject-matter of *md*.<sup>2</sup> We have already seen that in one section at least the intention seems to be to continue the work begun by Aristotle at the end of *Meteorologica* bk. 3; the ancient Commentators say that these questions were discussed by Theophrastus in his book 'on metals' and some other works.<sup>3</sup> Neither mentions any further work of Aristotle on these

<sup>1</sup> Contrast Arist. *Cat.* 9<sup>a</sup>28 ff.

<sup>2</sup> Diog. Laert. 5. 45; cf. the remarks of F. Patricius (from *Disquisitiones Peripateticæ* [1581], vol. i) quoted in Ideler's edition of *Meteor.* vol. ii, p. 379.

<sup>3</sup> *md* 384<sup>b</sup>24 ff. ~Arist. *Meteor.* 3. 6. 378<sup>a</sup>17 ff., cf. Thphr. *Lap.* 1-3; Alexander, *in Meteor.* 213. 22, 178. 14, Olympiodorus, *in Meteor.* 266. 34.

subjects—Olympiodorus even says that he failed to fulfil his promise to deal with them—in spite of the fact that both accept *md* as genuine.

The language too has some peculiarities and there are a number of words not found elsewhere in the Aristotelian corpus or only in the *Problems* and spurious works (cf. Düring, pp. 20 f.). On the whole Düring is probably right when he says that they do not prove anything by themselves, but the number of new words is rather high for one moderately short book, while some of Aristotle's usages, e.g. *κραῦρος* used almost as a synonym for *ξηρός* in *G.C.*, have disappeared. Some of these peculiarities are found in Theophrastus, e.g. the preference for verbal nouns ending in *-σις*, for compounds, and for words beginning with the privative *δ-*.

At the end of the last chapter (390<sup>b</sup>15 ff.) the writer looks forward to treating of organic homoeomerous substances and following that of anhomoeomerous organs and the composite organism as a whole. The scheme here given is much more precise than the one in the preface to Aristotle, *Meteor.* (339<sup>a</sup>6), where Aristotle says only that after the phenomena of the macrocosm he would have to deal with living organisms in order to fulfil his aim of investigating the whole physical universe.<sup>1</sup> The later passage seems to imply a definite course of study beginning with the homoeomerous bodies and proceeding through the different stages to the complete organism. Presumably the soul and the functions it shares with the body would be discussed last, if at all. Such a discussion of the nature of homoeomerous substances is actually found in the second book of *P.A.* (647<sup>b</sup>10 ff., with a reference to *md* at 649<sup>a</sup>33), and Alexander (in *Meteor.* 227. 19) suggests that this work should follow *md*, but there is no other evidence that Aristotle himself ever envisaged a scheme of study like the one mapped out at the end of *md*. Aristotle's scheme began with the *H.A.*, then went on to anatomy in *P.A.* and *Inc. A.*, the soul by itself (*de An.*), and the functions common to soul and body (*Parv. Nat.*, *M.A.*, *G.A.*).<sup>2</sup> This course would have been disrupted by a detailed discussion of how homoeomerous bodies are formed, and in fact Aristotle was satisfied with the brief recapitulation in *P.A.* ii. The plan alluded to in *md* would accord better with what is known of Theophrastus' approach. According to Themistius,<sup>3</sup> he treated of the soul in the fourth and following books of his *Physics*, and this would have left his biological works free for purely biological matters. His only extant discussion of homoeomerous is a short summary at the beginning of the *Historia Plantarum* (1. 2. 4) preceding the description of various kinds of plant. Diogenes' catalogue of his works (5. 43) includes one book *περὶ χυμῶν χροῶν σαρκῶν* which might have been a sequel to *md*.

It is tempting to conclude that *md* was written by Theophrastus. To this there is one objection. Aristotle's zoological works contain several apparent references to our book: *P.A.* 649<sup>a</sup>33 refers to the account of hardening and softening (*md* cc. 6–8), *G.A.* 743<sup>a</sup>6 to the account of the formation of homoeomerous bodies (*md* cc. 4–7), and *G.A.* 784<sup>b</sup>8 to the account of putrefaction at

<sup>1</sup> Aristotle does not refer to the ground covered by *md*. At 339<sup>a</sup>5 he mentions phenomena arising through *πρῆξις* among those he intends to explain, but he probably means snow, hail, and so on, as Alexander says (in *Meteor.* 3. 25 ff.); cf. Lee and the Oxford translators ad loc., and Capelle (*Hermes* xlvii [1912], 533).

<sup>2</sup> Peck, *P.A.* Loeb ed. intr. p. 9, after Jaeger (*Hermes* xlviii [1913], 38). Jaeger points out that Aristotle also seems to have delivered a shorter course which went straight from *P.A.* to *G.A.*, leaving out the intervening sections.

<sup>3</sup> Themistius, in *de An.* 108. 11 = Thphr. fr. 53 b Wimmer, fr. 1 Hicks-Barbotin.



*md* 379<sup>a</sup>16. Moreover, some account of these subjects is required as a complement of the theory of the elements contained in *G.C.*, and to connect it with the study of living things. Aristotle must have given such an account in a book which has not survived, and *md* is probably a Theophrastean recension of that work.

One section seems to be by Theophrastus entirely. The eighth and ninth chapters, dealing with the 'passive' qualities of matter, are out of place and break up the sequence of thought. At the end of c. 7 it is said that the account of *πῆξις* is completed; in c. 10 substances are classified by their material constituents, and in c. 11 by the forces which form them. Near the beginning of c. 10 (388<sup>a</sup>28) there is a reference to the account of *πῆξις* at 382<sup>a</sup>25 ff. The intervening section (384<sup>b</sup>24–388<sup>a</sup>26) stands out from the rest of the book by its style and content. After a short opening passage to introduce a new set of problems,<sup>1</sup> eighteen pairs of opposite qualities are enumerated; the rest of chapters 8 and 9 is devoted to explaining how these qualities result from the constitutions of different kinds of body, each pair being treated separately. The first pair is *πηκτόν* and *ἄπηκτον*, which were discussed already in the previous chapters. The author apologizes rather lamely for returning to them;<sup>2</sup> his treatment is virtually a summary of what was said before, except that the 'pores' are given greater prominence and some of the examples are different. In dealing with the remaining qualities, he employs a stereotyped method; each pair is defined, then comes the scientific explanation, illustrated by a few examples. The discussions are brief to the point of obscurity, a characteristic shared by Theophrastus' minor works. A few general remarks about the active qualities of bodies (cf. *Thphr. Lap.* 3 f.) and the difference between homoeomerous and anhomoeomerous substances (c. 10. 388<sup>a</sup>10–26) bring this section to an end.

These chapters are probably an extract from a different work of Theophrastus, perhaps the *περὶ πῆξεων καὶ τήξεων*. They contain most of the references to pores found in the book.<sup>3</sup> They are further distinguished from the rest by the fact that interest is centred on the qualities of bodies as they are manifest to the observer, while the underlying chemical structure is considered only in so far as it gives rise to them. Theophrastus wrote a number of books dealing specifically with groups of sensible qualities and their causes; of these the *de Odoribus* is still extant, and the lost *περὶ χυμῶν* probably included a treatment of flavours on the same lines; some of the views it contained were apparently a development of ideas hinted at in Aristotle's *Meteorologica*.<sup>4</sup>

There is no need to suppose that the book was written by Theophrastus himself in its present form. If anything, this is rather unlikely. Theophrastus would surely have given it a greater unity, and would not have inserted an extract from a different work of his own. It is probably a thorough revision of an Aristotelian work by a pupil of Theophrastus, using the results of his researches into chemistry and mineralogy. It was natural that Aristotle's ideas should have

<sup>1</sup> 384<sup>b</sup>24–385<sup>a</sup>11, cf. *Thphr. Lap.* 1–3.

<sup>2</sup> Cf. Olympiodorus, ad loc., p. 319. 35; there seems to have been some controversy among the ancients about the purpose of the repetition.

<sup>3</sup> Exceptions are at 381<sup>b</sup>1, 384<sup>b</sup>10, 20.

<sup>4</sup> Alexander, pp. 86. 32, 89. 7, on *Arist. Meteor.* 358<sup>b</sup>22, 359<sup>b</sup>20, refers to a treatise

*περὶ χυμῶν*, by which Theophrastus' book is probably meant; cf. Regenbogen 1423. 4 ff. In the same way ideas found in *Meteor.* 1. 5, 3. 4 are elaborated in ps.-*Arist. Col.* 2–3. The authorship of this work is disputed, but on the whole Theophrastus is the most likely candidate.



been superseded most quickly in these fields, which he had not investigated in great detail and in which his principles were more difficult to apply than elsewhere.

In one respect the teaching of this book is quite close to Strato's. His doctrine that all kinds of matter consist of small particles with void interstices where they do not fit together completely,<sup>1</sup> is only a more systematic application of ideas found in *md* and the other writings of Theophrastus. But there is another way in which *md* is a forerunner of later developments. The growing interest among Peripatetics of the second generation in the inorganic world, in botany and in the lower forms of animal life, naturally led to increasing concern with material and instrumental causes, at the expense of the formal and final. Although he never formally abandoned Aristotle's teleology, Theophrastus suggested in his metaphysical essay (§§ 28 ff.) that its operation may be confined to the higher kinds of being, and ignored it almost entirely in his specialized scientific writings. The result was a dichotomy in his system which opened the way for Strato's radical solution: to extend to the whole world the principles successfully used by Theophrastus to investigate and explain its 'lower' parts. Our book is an interesting document of this transitional stage in Peripatetic thought.

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<sup>1</sup> Strato, frs. 54-67 in Wehrli, *Die Schule des Aristoteles*, vol. v. Sponges are used to illustrate compression in fr. 56, as in *md*

386<sup>b</sup>6-8. See further Diels, *Sitz.-Ber. Acad. Berl.*, 1893, pp. 101-27, Capelle, *R.E.* iv a, col. 289 ff.

## THE COMMON PEACE OF 366/5 B.C.<sup>1</sup>

UNDER 336/5 Diodorus records: ἅμα δὲ τούτοις πραττομένοις ὁ τῶν Περσῶν βασιλεὺς ἀποστείλας πρέσβεις, ἔπεισε τοὺς Ἕλληνας τοὺς μὲν πολέμους καταλύσασθαι καὶ κοινὴν εἰρήνην συνθέσθαι πρὸς ἀλλήλους.<sup>2</sup> Of such a Common Peace prompted by Persia Xenophon gives no hint. After recording<sup>3</sup> the failure of the Theban attempt to summon a Congress at Thebes to swear a peace on the basis of the terms negotiated by Pelopidas at Susa, he goes on to record<sup>4</sup> negotiations whereby certain allies of Sparta made peace with Thebes, but his account contains no mention of either Persia or Athens. To his narrative the Archidamus of Isocrates seems to fit. The imagined scene of the speech is the last meeting of the Peloponnesian League; Corinth, Phlius, and Epidaurus are seeking Sparta's permission for them to make peace with Thebes, the very situation that Xenophon<sup>5</sup> speaks of, and, at first sight, it seems that only those cities are involved. There is thus a serious conflict in the evidence, and for over half a century scholars have been unable to agree as to which account to choose. Most have declared in favour of Diodorus, primarily on the ground that his source (or sources) is more trustworthy than Xenophon, but some remain sceptical and the subject has recently been re-examined by Ryder,<sup>6</sup> who has concluded that, where Xenophon is so full and precise, there is no justification for preferring the brief notice of Diodorus. A resolution of this question would be of great assistance to understanding the 360's, and it is the purpose of this article to advance considerations in support of Diodorus.

### I. THE DECREE OF THE HELLENES RECOGNIZING THE ATHENIAN RIGHT TO THE CHERSONESE

When did the King of Persia and the Hellenes recognize the right of Athens to the Chersonese?<sup>7</sup> It was once commonly thought that this, together with the recognition of Athens's right to Amphipolis, belonged to the Common Peace before Leuctra in 371, but this view is no longer tenable. Hampl<sup>8</sup> pointed out that, since the Peace of 371 imposed no symmachial obligations on the participants, it cannot be the occasion when a *συμμαχία Λακεδαιμονίων καὶ τῶν ἄλλων Ἑλλήνων* met and passed a decree that they should help the Athenians take Amphipolis (*Ἀμφίπολιν τὴν Ἀθηναίων συνεξαίρειν Ἀθηναίοις*).<sup>9</sup> Hampl then opted for the Common Peace of 375/4 as the occasion best described as a meeting of a *συμμαχία Λακεδαιμονίων καὶ τῶν ἄλλων Ἑλλήνων* at which the king was represented and could have given his approval to the Athenian claim. This view of Hampl has been undermined by Accame<sup>10</sup> who has pointed out that the references<sup>11</sup> to the king's consent by no means require that it was granted at the same moment as the Hellenes passed their decree. So Accame has proposed the Congress at Athens in spring 369 as the occasion of the decree to which the Great King subsequently gave his approval. As to why he prefers 369 to

<sup>1</sup> I wish to thank Professor Andrewes and Mr. G. T. Griffith for helpful criticism. They should not be thought necessarily to agree with the views here expressed.

<sup>2</sup> 15. 76. 3.

<sup>3</sup> *Hell.* 7. 1. 39 f.

<sup>4</sup> 7. 4. 6 f.

<sup>5</sup> 7. 4. 18.

<sup>6</sup> *C.Q.* n.s. vii (1957), 199 f. which gives

previous literature in notes 4, 5, and 6 on p. 201.

<sup>7</sup> *Dem.* 9. 16.

<sup>8</sup> Hampl, *Die griechischen Staatsverträge*, p. 18.

<sup>9</sup> *Aesch.* 2. 32.

<sup>10</sup> Accame, *La Lega*, pp. 155 f.

<sup>11</sup> *Dem.* 7. 29 and 19. 253.

375/4 he is content to say:<sup>1</sup> 'pare assurdo riferirlo con lo Hampl alla pace del 375, non essendo questo per noi una *simmachia*', but, whatever may be thought of that, there is a strong practical consideration which argues for 369. Athens did not begin her efforts to recover Amphipolis until 368, and, while the pre-occupations of 369 satisfactorily account for her inaction in that year, in view of her almost fanatical obsession with the recovery of Amphipolis, it is hardly likely that she should have allowed six summers to pass without attempting something once her right had been recognized. For this reason it is safe to assert that the decree of the Hellenes about Amphipolis belongs to spring 369.<sup>2</sup>

Yet the decree about the Chersonese need not belong to the same occasion. Accame<sup>3</sup> assumed that it does, but, as with Amphipolis, so with the Chersonese, the decree must be placed nearer to the commencement of operations, which began in 365. Timotheus did not go against the Chersonese, until he had taken Samos in 365; previously it had been disregarded.<sup>4</sup> The Athenian concern for the Chersonese was second only to their concern for Amphipolis, and it is somewhat unlikely that they would have allowed the summers of 368 to 366 to pass without sending some force or other to begin operations. So the recognition of Athens's right probably belongs nearer to 365.<sup>5</sup>

Demosthenes' words are: . . . *εἰς Χερρόνησον ἢ βασιλεὺς καὶ πάντες οἱ Ἕλληνες ὑμετέραν ἐγνώκασιν εἶναι*.<sup>6</sup> The only sort of occasion on which *πάντες οἱ Ἕλληνες* could have taken such a decision would be a Common Peace congress. About any such congress in the relevant period Xenophon is silent, but Diodorus provides what is required. He is therefore likely to be right. Further, since the decree was in Athens's favour, Athens must have been represented. So Xenophon's account of the Peace is clearly incomplete.

What of Persia? When Pelopidas went to Susa in 367, he persuaded the king to issue a rescript which required the Athenians to haul up their ships.<sup>7</sup> This was clearly a blow at the Athenians' operations against Amphipolis, which was indeed on this occasion listed as 'friend and ally' of the king.<sup>8</sup> When Leon, the Athenian ambassador, murmured his disapproval, the king added a rider opening the door to further negotiation between the king and Athens.<sup>9</sup>

<sup>1</sup> Op. cit., p. 156.

<sup>2</sup> The Peace at Athens after Leuctra is not impossible for those who, unlike Accame, hold that Sparta was represented there, but 369 is still preferable. Athens was wholly free in 370 to set about the recovery of Amphipolis, but she did nothing.

A further reason for not putting the decree in 375/4 is to be found in Isocrates' reference in the *Plataicus* (44) to the Athenian renunciation of claims to foreign possessions: Isocrates' remark would be very curious if two years previously Athens had resumed her claim to Amphipolis.

Some may doubt whether it is right to argue that because Athens did not act until 368 the decree of recognition cannot have been much earlier: the Peace of Nicias recognized her right and, if Athens with all her power in the fifth century shrank from the task, delay in the fourth century is only to be expected. However, Athens had renounced her claim

in 377 in order to win goodwill for the Confederacy, and it seems unlikely that she would have been willing to endanger that goodwill by seeking the decree from a Peace Congress, unless she really intended to act on it.

<sup>3</sup> Op. cit., p. 165.

<sup>4</sup> Isoc. 15. 112.

<sup>5</sup> This difference between Amphipolis and the Chersonese is perhaps reflected in the manner in which the commanders in the north Aegean are described. Iphicrates is spoken of as *στρατηγὸς ἐπ' Ἀμφίπολιν* (Aesch. 2. 27) but Timotheus is sent *ἐπ' Ἀμφίπολιν καὶ Χερρόνησον* (Dem. 23. 149). If the Great King was represented in 362, it is possible that the Persian recognition was accorded then retrospectively. But it is probable that he was not represented. Cf. Accame, *La Lega*, pp. 171 f.

<sup>6</sup> 9. 16.

<sup>7</sup> Dem. 19. 137.

<sup>8</sup> Xen. *Hell.* 7. 1. 36.

<sup>9</sup> Xen. *Hell.* 7. 1. 37.

Subsequently the king recognized once more the Athenian right to Amphipolis,<sup>1</sup> and this must have happened in much the same period as his recognition of Athens's claim to the Chersonese. It is at least an economical hypothesis to suppose that the Royal Rescript concerning the two places was brought by the king's ambassadors, who according to Diodorus were responsible for the Common Peace of 366/5.

## II. THE ARCHIDAMUS OF ISOCRATES

The dramatic scene of this speech is an ἐκκλησία<sup>2</sup> in Sparta, at which the Spartans are debating a Theban summons<sup>3</sup> to participate in a peace which involved recognition of the independence of Messene. It is clear that not only the allies,<sup>4</sup> but also certain Spartans<sup>5</sup> have urged acceptance, and the speech is, supposedly, Archidamus' answer to them. The date of the debate is between the death of Dionysius the elder, and the second Theban invasion of Laconia in 362,<sup>6</sup> and there can be little doubt that the debate is that of 366 described in Xenophon,<sup>7</sup> as a result of which Corinth, Phlius, and other states took their leave of Sparta, and made a peace with Thebes in which the independence of Messene was recognized. The speech is, of course, a mere literary composition, but there is no reason to suppose that Isocrates was not well informed as to the state of affairs of which he wrote, and the speech should assist in the discussion as to whether the peace of 366 was a Common Peace.

The most important point is that the terms of the peace under discussion were wider than those indicated by Xenophon, and contained a clause characteristic of the Persian-sponsored Common Peaces, viz. the recognition of the Persian claim to control the Greek cities of Asia. In arguing<sup>8</sup> that the long possession of Messene established Sparta's right, Archidamus is made to suggest that if Sparta's claim to Messene is weak, the Persian claim to Asia is much weaker, since Persia has been in control for a much shorter period. Despite this, he goes on, τῷ μὲν βαρβάρῳ τὴν Ἀσίαν ὡς πατρῶν οὖσαν ἀποδιδόασιν, ὃς οὐπω διακόσι' ἔτη κατέσχεκε τὴν ἀρχήν, ἡμᾶς δὲ Μεσσηνίην ἀποστεροῦσιν. The present tense is important. Just as the peace requires the recognition of Messene, so it requires the recognition of the king's right to Asia. Of this clause, unfailingly present in negotiations with Persia, Xenophon gives no hint, and, thus far at least, his account is misleadingly incomplete.<sup>9</sup>

The second point about the speech is that the nature of the debate is such that it would be wrong to infer that all parties to the peace must have been mentioned. Archidamus is concerned with the matter only so far as it concerns Sparta and the remains of the Peloponnesian League, and that is why he mentions by name only Epidaurians, Corinthians, and Phliasians.<sup>10</sup> Indeed Xenophon himself shows that more states were involved than the speech mentions; for he names<sup>11</sup> the Argives as swearing to the Peace, and this at least should save us from a false argument from silence. There is, however, a serious question about Athens. Archidamus is made to argue<sup>12</sup> that, come what may,

<sup>1</sup> Dem., loc. cit.

<sup>2</sup> §§ 1 and 7.

<sup>3</sup> §§ 11 f. and 91.

<sup>4</sup> §§ 8 and 47.

<sup>5</sup> § 34.

<sup>6</sup> §§ 45, 56. Cf. G. Mathieu, *Les idées politiques d'Isocrate*, pp. 106 f.

<sup>7</sup> *Hell.* 7. 4. 7-11.

<sup>8</sup> §§ 26 f.

<sup>9</sup> As Ryder, op. cit., pp. 203 f., points out, the clause in Xen. *Hell.* 7. 4. 10 (ἐφ' ᾧ τε ἔχειν τὴν αὐτῶν ἐκάστους) asserts the autonomy principle in a many-sided treaty. Such a clause was central to the Common Peaces.

<sup>10</sup> § 91.

<sup>11</sup> *Hell.* 7. 4. 11.

<sup>12</sup> § 62.

Athens will save Sparta from final destruction. Does this mean that Athens was not involved, or likely to be involved, in the Peace? I think not. Archidamus is talking about the salvation of Sparta, not the recognition of Messene; Athens may enter a peace which recognized Messene (as she certainly did in 362), but she would not feel constrained thereby from saving Sparta. For all that Archidamus says, Athens too may have received a summons from Thebes. Indeed, how could Archidamus' opponents argue<sup>1</sup> that Sparta's position was hopeless if Athens was not in the peace?

What of Persia? If Persia was involved in any way in the Theban summons, some sort of comment would not be out of place. Persia had accepted Spartan control of Messenia as late as Philiscus' mission<sup>2</sup> in 368, and a passage about Persian perfidy would come equally well from Isocrates or from the son of Agesilaus, who was on the point of having his final fling against the Great King. Yet this silence does not prove that Persia was not involved. Whatever was happening in 366, in 367 the king had betrayed Sparta and recognized Messene, but Archidamus says nothing of this either. This should warn against inferring anything about 366. There are other silences. Despite Sparta's diplomatic successes at Susa in the past, Archidamus does not counsel any effort to regain Persian support, an understandable omission if Persia was supporting Thebes in this peace. When reviewing possible alliances, Archidamus speaks<sup>3</sup> of the King of Egypt and *τοὺς ἄλλους κατὰ τὴν Ἀσίαν δυνάστας, καθ' ὅσον ἕκαστοι δύνανται*, that is the enemies of the Great King.<sup>4</sup> He expresses no hopes of Persian aid, again a suggestive omission. Yet none of these arguments from silence is of any real weight. The important point is that in no way does the speech suggest that Diodorus is wrong about the Persian part in the Peace.

To sum up so far. First, the decree about the Chersonese is very likely to belong to a Common Peace in 366, and Diodorus' account thus receives confirmation. Secondly, the *Archidamus* shows that Xenophon's account is in some degree not to be trusted, and offers no ground for arguing that Athens and Persia were not involved. It is now necessary to relate the Common Peace to the history of 366.

### III. THE REVOLUTION IN ATHENIAN POLICY

In 367 Callistratus' policy of concord with Sparta dominated Athenian public opinion. This was demonstrated by the consequences of the embassy to Susa. Of the two Athenian ambassadors, Timagoras had shown himself far too complacent about the success of Pelopidas' persuasions. He was charged on his return by his fellow ambassador Leon with treasonable conduct, and put to death.<sup>5</sup> The charges included the usual unverifiable allegations<sup>6</sup> of being corrupted with gifts, which are hardly to be regarded seriously. The real issue was political: should Athens bow before the combination of Thebes and Persia, abandon Sparta, and accept the king's demand that Amphipolis should be left free? Timagoras was found to have wrongly judged<sup>7</sup> that Athens would have to accept the new king's Peace. It is not necessarily the case that Timagoras

<sup>1</sup> §§ 58 ff.

<sup>2</sup> *Xen. Hell.* 7. 1. 27.

<sup>3</sup> § 63.

<sup>4</sup> Cf. the services of Agesilaus to Ariobarzanes (*Xen. Ages.* 2. 26).

<sup>5</sup> *Xen. Hell.* 7. 1. 38, *Dem.* 19. 31, 137, 191.

<sup>6</sup> *Plut. Artox.* 22; *Pelop.* 30; *Athenaeus* 2, p. 48 D; 6, p. 251 C; *Suidas*, s.v. Timagoras.

<sup>7</sup> According to *Suidas*, some accounts said that he promised *διαλύσειν τὴν οὖσαν Λακεδαιμονίους καὶ Ἀθηναίους φιλίαν*.

was one of the so-called *βουλευόμενοι* (i.e. that he was less unfavourably disposed towards Thebes than towards Sparta), but it is likely. That would be the point of Leon's accusation that Timagoras οὐτε συσκηνοῦν ἐαυτῷ ἐθέλοι μετὰ τε Πελοπίδου πάντα βουλευοίτο,<sup>1</sup> and, if the embassy contained representatives of both policies, that would not be exceptional in this period. So it is reasonable to regard the trial as a trial of strength between Callistratus and his critics. Callistratus and the Spartan alliance emerged triumphant.

Early in 366<sup>2</sup> the failure of Athens's allies to respond to her appeal to save Oropus led to a radical change in Athenian policy. Callistratus, and the general associated with him, Chabrias, were put on trial as responsible for the policy that had turned out so ill. Their accuser was a prominent member of the *βουλευόμενοι*, Leodamas.<sup>3</sup> Although Callistratus' eloquence saved him from execution, he disappeared from Athenian politics until in 362 Athens was faced with the prospect of a final struggle in the Peloponnese, and his services were needed to negotiate a fresh concord with Sparta.<sup>4</sup> His fall is marked by the election to the generalship of his rival, Timotheus, for the first time since the crisis of 373; Timotheus continued to hold the principal command until spring 362,<sup>5</sup> the time of Callistratus' reappearance. With the eclipse of Callistratus it is not surprising that Athenian public opinion should accept in 366 a duly modified version of the Common Peace, which Pelopidas had proposed in the previous year. The affair of Oropus had discredited the opposition to a Common Peace sponsored by Thebes.<sup>6</sup>

<sup>1</sup> Xen. *Hell.* 7. 1. 38.

<sup>2</sup> That Diodorus 15. 76 places the seizure of Oropus under 366/5 is of no importance. The real archon date is provided by the scholion on Aesch. 3. 85, viz. 367/6, and, since there is no room for it in 367, it must belong in the first half of 366. Indeed Dem. 21. 64 might point to the trial being over by the Dionysia. Some (Schäfer, *ib.* 110, 111, Meyer, *G.d.A.* v. 453, Sealey, *Historia*, v [1956], 195, n. 134) postpone the trials until 365 on the strength of the anecdote in Diogenes Laertius 3. 23–24 which shows that Plato was in Athens during the trial. But the chronology of Plato's visit to Sicily is quite uncertain, and it is possible that he went in 367 (Dionysius II having succeeded very early in that year, cf. Stroheker, *Dionysios I*, 1958, p. 237, n. 83) and was back in Athens early in 366, or else that he went to Sicily in 366, but not until the trial was over.

<sup>3</sup> Aesch. 3. 139.

<sup>4</sup> The Arcadian embassy of Callistratus—Nepos, *Epam.* 6, Plut. *Mor.* 193 C and 810 F (= no. 15 of the *Apophthegmata* of Epaminondas), Theopompus, *Comicus*, fr. 30 (Kock i, p. 740)—belongs in 362 (cf. Schäfer, *ib.* 127). Nepos' words are 'idem (i.e. Epam.) cum in conventum venisset Arcadum, petens ut societatem cum Thebanis et Argivis faceret, contraque Callistratus, Atheniensium legatus, qui eloquentia omnes eo praestabat tempore, postularet ut potius amicitiam sequerentur Atticorum...'; this suits the

situation in 362, whereas in 366 the debate amongst the Arcadians must have been the reverse, i.e. whether 'amicitiam sequi Thebanorum' or 'cum Atheniensibus societatem facere'. Also it appears from Xen. *Hell.* 7. 4. 2 f. that in 366 Lycomedes persuaded the Arcadians to seek alliance and it was in Athens that opposition had to be overcome. Meyer, *G.d.A.* v. 449 and 453, argued for 366 because he claimed first that Epaminondas could not have been an ambassador to Arcadia in 362, and secondly that in Plutarch the *apophthegmata* of Epaminondas 'im wesentlichen die chronologische Folge inne halten'. But since Epaminondas was both ambassador and Boeotarch in 371, why should he not have been in 362? As to the order of *apophthegmata*, no. 19 concerns Chabrias in the Peloponnese (i.e. before 366), and no. 23 concerns 370 and 369: therefore no inference can be drawn from the position of no. 15.

<sup>5</sup> Cf. Beloch, *G.G.* iii 2. 247. The position of Chabrias is perhaps different from that of Callistratus, for he was general in 363/2 (Tod 142, line 18). However, the replacement of Timotheus may have involved other changes, and, since it is just possible that the *συνθήκαι* of Chabrias to which Tod 142 refers were made early in 362, Chabrias may not have returned to office until mid 363/2.

<sup>6</sup> But it was not in itself an insuperable obstacle to peace. It had been handed over to Thebes by Themison μέχρι δίκης (Xen.



As the king had promised when Leon protested, the terms of the Royal Rescript were modified and Athens's right to Amphipolis again recognized.<sup>1</sup> Unfortunately both the evidence in general and in particular the chronology of 366 are too vague for the campaign of Timotheus to be firmly related to the negotiations. It has been suggested<sup>2</sup> that, when Timotheus was sent out to help Ariobarzanes without disturbing *tὰς σπονδὰς τὰς πρὸς βασιλέα*,<sup>3</sup> the Athenians were putting pressure on the king, showing what he could expect if he did not yield about Amphipolis: Leon had remarked *Νῆ Δία, ὦ Ἀθηναῖοι, ὥρα γε ὑμῖν, ὡς εἰκεν, ἄλλον τινὰ φίλον ἀντὶ βασιλέως ζητεῖν*, and presumably he meant dissident satraps. However, it is by no means clear that Timotheus did anything for Ariobarzanes. Agesilaus, who, according to Nepos,<sup>4</sup> had gone out at the same time to help Ariobarzanes, did earn his reward,<sup>5</sup> but when Timotheus was given Sestos and Crithote by Ariobarzanes,<sup>6</sup> this may have been under the terms of the Common Peace. So it is not clear whether Timotheus did affect the negotiations with Persia. Similarly the relation of the siege of Samos to the Peace is obscure.<sup>7</sup> Perhaps Timotheus turned against Samos after the Peace and began the siege, in theory, to expel the Persian garrison.

#### IV. SIGNIFICANCE OF THE PEACE

There should be no doubt that Thebes occupied in the Peace precisely the position that Sparta had occupied in the King's Peace of 387/6. In the *Archidamus* Isocrates ascribed to Thebes the dominant role:<sup>8</sup> Sparta was ordered to accept the Peace. There seems no justification for Accame's assertion<sup>9</sup> that 'questa è la prima pace dopo quella di Antalcida che non sanziona l'egemonia di nessuna polis'. In 367 the Thebans summoned a congress at Thebes and claimed to manage the oaths just as had happened at Sparta twenty years earlier. Why should they have been in a different position in 366?<sup>10</sup>

Thus, in entering the Peace, Athens was recognizing, like Persia, the pre-eminence of Thebes, but, more than that, she must have conceded what had so long been contested, the Theban claim to the hegemony of Boeotia. Theban prestige was enormously increased. Having founded Messene, she now was in a position to oblige the Greeks to recognize it, and guarantee its future. But

*Hell.* 7. 4. 1), and its position could be left undecided until arbitration. Indeed, support for the peace may have been sought by representing that the peace would make it more likely that the promised arbitration would take place.

<sup>1</sup> Xen. *Hell.* 7. 1. 37, and Dem. 19. 137.

<sup>2</sup> Sealey, *Historia* v. 196. One might compare Pammenes in Asia in the late 350's (Diod. 16. 34) shortly before the king sent 300 talents to Thebes for the Sacred War (Diod. 16. 40).

<sup>3</sup> Dem. 15. 9.

<sup>4</sup> *Timotheus* 1. 3.

<sup>5</sup> Nepos, loc. cit.; Xen. *Ages.* 2. 26.

<sup>6</sup> Nepos, loc. cit. Isocrates 15. 112 says *ἔλαβε*. He may have had to seize them after Ariobarzanes relinquished the Persian claim. In Xen. *Ages.* 2. 26 Agesilaus raised the Thracian siege of Sestos, *Ἀριοβαρζάνου ἐπὶ οὐσαν*—perhaps a reference to the status of

the Chersonese before the Common Peace.

<sup>7</sup> The only indication of date for the Common Peace is Diodorus' statement (15. 76. 3) that it ended the Spartan-Boeotian War which 'lasted more than five years beginning with the campaign of Leuctra'. Leuctra was fought on 5 Hekatombaion 371/0 (Beloch, *G.G.* iii. 2. 236). So the Peace must fall somewhere within 366/5, where Diodorus puts it. The chronology of the Samian campaign is unclear. The exiles returned in 322 (Diod. 18. 18. 9), forty-three years after their expulsion, i.e. in 365, but when the ten-month siege (Isoc. 15. iii) began is not known. Despite Beloch (op. cit., p. 246) [Ar.] *Econ.* 1350<sup>b</sup> and Polyaeus 3. 10. 5 and 9 hardly help.

<sup>8</sup> Cf. §§ 8, 47, 75, 86.

<sup>9</sup> *La Lega*, p. 171.

<sup>10</sup> The account of Xenophon (*Hell.* 7. 4. 10) supports this view.

Thebes, too, had to make concessions to Athens, namely the recognition of Athens's claim to Amphipolis and the Chersonese. In Theban eyes it was a small price to pay for the dissolution of the Spartan-Athenian concord.

The whole affair was a notable instance of diplomatic bargaining. It is common to speak contemptuously of the Common Peaces, on the grounds that they appear to have been singularly ineffective in preventing war. How effective they really were is hard to judge. The threat of Persian intervention and support for the leading state certainly put a temporary stop to wars, but as to how far smaller states were deterred from hostilities the evidence does not allow an answer. However, to regard the various congresses as mere endings of wars is to miss their real significance. In reality, they were a series of diplomatic negotiations in which concessions were made by various parties in recognition of the changing balance of power. In this way much was accomplished by diplomacy that might have made wars more difficult to conclude. From this point of view the mutual concessions of the Common Peace of 366 are of especial interest.

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## TEMPLE BUILDING AT SEGESTA

THE hollow peristasis at Segesta presents two interrelated problems. The question of how Greek temples were constructed, and whether the method generally used was applied to the structure at Segesta, depends to some extent for its answer upon the Segestans' motives for building. And the problem of motive is affected by considerations of architectural method. Neither problem appears to have been fully discussed in the light of the other. The result is that at the moment the prevailing views of either problem stand quite unconnected. Thus while many scholars accept the structure as the sole surviving member of a projected scheme to build a complete temple,<sup>1</sup> the theory is now widely held that it was meant to serve merely as a hellenizing decorative element round an Elymian shrine or open-air altar, and so, that the Segestans' interest in Greek temple-architecture was purely superficial.<sup>2</sup>

The peristasis is hexastyle, with fourteen columns on the sides, and survives complete from the lowest step to the raking-cornice of the pediment, except for the pavement-blocks between the columns. The euthynteria, stylobates, frieze, and entablature retain the protective surfaces and lifting-bosses which would in the normal way have been removed only when the structure was nearing completion, and the columns are unfluted. It is clear from the delicate curve of the stylobate and the entasis of the columns that this Doric shell is no debased or merely derivative imitation of Hellenic temple-architecture, but is built entirely within the traditions of the last third of the fifth century.

It is generally assumed that no part of the cella was ever constructed, in fact the Elymian theory gains considerable strength from this assumption. So that it seems right to make reference to an old and neglected publication of the temple by Hittorff and Zanth. They show quite clearly, in Plates III and IV, five blocks laid at the level of the course immediately below the stylobate, and having their outer edges alined with the axes of the second and fifth columns on the façade. The position of these blocks is perfectly consistent with the position of the cella-walls in other Sicilian temples.<sup>3</sup> I would hesitate to accept this as conclusive evidence that the temple was almost or entirely completed, but it certainly suggests that the intention was to build more than just the peristasis.

The fact remains that, whatever the ultimate intentions of the Segestans, even the peristasis was never properly dressed. But, leaving aside for the

<sup>1</sup> e.g. Koldewey and Puchstein, *Die griechische Tempeln in Unter-italien und Sicilien* (1899), p. 132 (cf. n. 3); W. B. Dinsmoor, *Architecture of Ancient Greece* (1950), p. 112; T. Dunbabin, *The Western Greeks* (1948), p. 143.

<sup>2</sup> B. Pace, *Sicilia antica*, ii (1935), 236 ff., suggests this in contradiction to all foregoing discussions. The latest edition of the guide to Sicily published by Touring Club Italiano (1959) repeats it as the accepted view, and so do L. von Matt, *Das antike Sizilien*, p. 172, and L. Bernábo Brea, *Musei e monumenti in Sicilia* (1958) p. 114.

<sup>3</sup> J. I. Hittorff and L. Zanth, *Architecture de la Sicile: Recueil des monuments de Ségeste et de Sélinonte* (1870) (Text and atlas). The investigation of the site appears to have been conducted some time before 1830. The blocks are described as well cut (Text, p. 41), and the plan seems otherwise to show very accurately the surviving state of the monument. (These blocks are very tentatively sketched in by Koldewey and Puchstein, Pl. xix; it is suggested, briefly, that they may be remnants of a cella, p. 133.)

moment the architectural aspect of the problem, what is there to be said for the Elymian theory which has recently been restated with such assurance? That the peristasis was all that it had been intended to build, as a Hellenic shell round a simply-constructed native shrine, becomes more or less acceptable according to the extent to which one thinks the Segestans had been hellenized. They were in close contact with their neighbour Selinus, one of the most temple-conscious cities in Sicily, from the sixth century onwards; Thucydides speaks of intermarriage between Segestans and Selinuntians,<sup>1</sup> and there are other indications of a cultural rapport between Segesta and the Greeks.<sup>2</sup> But, what is more important to this discussion, Segesta was one of the first cities in Magna Graecia to become an Athenian ally.<sup>3</sup> Whether or not either Athens or Segesta gained any immediate practical advantage from the treaty of 458/7 B.C. is obscured by the lack of contemporary comment. But contact was established. It seems likely that the Athenian intervention in the dispute between their ally Leontinoi and Syracuse in 427 B.C. led to further communication between Athens and Segesta;<sup>4</sup> and in 416 B.C. contact was so close that the Segestans could appeal to Athens for help against the Selinuntians. Clearly the Segestans had for long ample opportunity to develop an interest in Doric architecture. But would they have required a whole temple or, as the Elymian theory has it, only a decorative surround for their cult? There are various indications, notably the coin-types of Segesta, that the cult itself was not at all Hellenic.<sup>5</sup> And Nikias' reference to the Segestans as ἀνδρῶν βαρβάρων, made in 416 when the Segestans were asking for support against Selinus, suggests that they would have considered it a good idea to apply a Hellenic veneer to what was in fact a very un-Greek town, so as to assure the Athenians of their cultural worth, and to consolidate the alliance.<sup>6</sup> It is, then, perhaps possible, if only from the point of view of the Segestans' cultural interests, that there was never any intention of building a complete temple.

There is, however, no direct evidence of any kind to support this theory. Even supposing that Hittorff and Zanth had dreamed dreams and seen visions, and that their cella-foundations are non-existent, the structure itself does not necessarily demonstrate that the peristasis was originally meant to stand alone. Furthermore, there are no other examples of Hellenic 'frames' to non-Greek shrines or altars, and it would be most curious if the Segestan monument were either the sole surviving or the unique example of such a practice.<sup>7</sup> The theory is, moreover, completely demolished by practical considerations of the evidence for structural procedure. I hope to show that these considerations can be satisfactorily and convincingly related to an explanation of the Segestans' motives for building.

Archaeological evidence for structural procedure, as Dinsmoor and others have argued, strongly suggests that the building was abandoned, after only the early stages of construction had been carried out. That is to say, the builders

<sup>1</sup> Thuc. 6. 6. 2.

<sup>2</sup> Dunbabin, *op. cit.*, pp. 335 ff.

<sup>3</sup> *I.G.* i<sup>1</sup>. 19. See also *S.E.G.* x. 7, and Tod, *Greek Historical Inscriptions*, no. 31; Tod dates the alliance to 454-3 B.C.

<sup>4</sup> Thuc. 3. 86 mentions Athens's intervention in eastern Sicily, but says nothing about the connexion with Segesta.

<sup>5</sup> Dunbabin, *loc. cit.*

<sup>6</sup> Thuc. 6. 11. 7.

<sup>7</sup> Greek architecture was frequently imitated in strictly non-Greek states. But such monuments were always complete replicas of a Hellenic building; the Nereid monument at Xanthos, for example, built at more or less the same time as the Segestan structure, consists of a complete Ionic tetrastyle temple. See Dinsmoor, *op. cit.*, p. 256.

at Segesta seem to have complied with two generally observed rules of building temples. First, one did not flute columns or fine-dress the surfaces of steps and pavements until material for the interior of the temple had been moved in, and there was no longer any danger of blocks falling and cracking or chipping finished work.<sup>1</sup> Secondly, and more important, the evidence makes it clear that one usually began building the peristasis first and worked inwards; the peristasis was not in any way dependent upon the internal structure, and so could perfectly well be built as a separate entity.<sup>2</sup>

Previous discussions of the order of construction in Greek temple-building have relied entirely on the archaeological evidence. They have omitted all reference to the most direct and incontrovertible documentary evidence for architectural working-methods, the accounts for the fourth-century temple of Asklepios at Epidauros.<sup>3</sup> These accounts, dated to about 380–370 B.C., have, with the exception of one or two clauses, suffered what seems extraordinary neglect at the hands of archaeologists and art-historians, when one considers that the record as a whole is unique in providing a complete picture of work in progress—of the processes involved, and in particular of the order of construction of the various elements. It consists of a statement of work let out by contract, together with the contract-price, and the first contract is concerned with the laying of foundations, as one might expect. The text given in *I.G.* iv<sup>2</sup> is as follows: *στοιβὰν ἤλετο Μνασικλῆς Ἐπιδαύριος* [13 or 14 letters]/*τάμεν καὶ ἀγαγὲν καὶ σύνθεμεν*, *X[X . . .]* etc.

The question is, obviously, the foundations of what? Because the record is otherwise so orderly and consistent as to suggest that each stage of construction was adequately and accurately accounted for, I have restored the first line of the inscription thus: *στοιβὰν ἤλετο Μνασικλῆς Ἐπιδαύριος* [*tās peristatēsis*]/*τάμεν καὶ ἀγαγὲν καὶ σύνθεμεν* etc. ‘Mnasikles of Epidauros took up the contract to quarry, cart, and set in place (stone for) the foundation-core of the peristasis.’

Former editors have made no attempt at restoration, or have only gone so far as to suggest that perhaps the title of the whole building was given at this point in the record.<sup>4</sup> But this is precluded by the fact that the *στοιβά* of the *cella* is dealt with separately, under the terms of the fourth contract, line 9. Moreover, the second and third contracts are undeniably concerned with the peristasis:

ll. 3 ff. *Λύκιος Κορίνθιος ἤλετο λατομία*[*ν καὶ ἀ*]/*γω*[*γὰν*] *ἐς τὸ ἱερόν τῃ περίστασι* etc. ‘Lukios of Corinth took up the contract to quarry stone and cart it into the sanctuary for the peristasis.’

ll. 5 ff. *Ἀντίμαχος Ἀργεῖος ἤλετο τῆς ἐ*[*π*]/*ῖφας*[*νέος κρη*]/*πίδος καὶ στυλοβάτας ἐργασίαν* etc. ‘Antimachos of Argos took up the contract to dress and set in place the blocks for the outer foundation-courses and for the stylobate.’

The *cella*-foundations are mentioned separately, and the outer foundations of the peristasis are contracted for before the *cella*-foundations. Since the first contract of all is concerned with inner foundations, it follows that it is the inner foundations of the peristasis that must stand first in the record. Much the

<sup>1</sup> The unfluted and undressed temple of Nemesis at Rhamnous provides a good example of the observation of this rule.

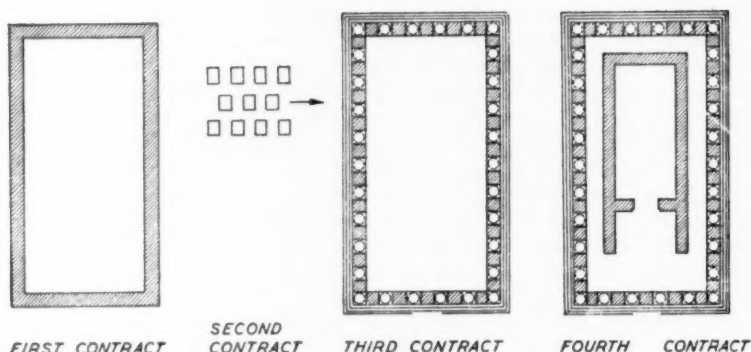
<sup>2</sup> Cf. Dinsmoor's remarks on methods of construction, *op. cit.*, pp. 169 ff.

<sup>3</sup> *Epidauros I* (*I.G.* iv<sup>2</sup>, 1, 102). This is the first in the series of building-inscriptions

from Epidauros, which I hope to republish.

<sup>4</sup> Baunack, *Aus Epidauros* (1890), p. 62, and R. Vallois (*B.C.H.* xxxvi [1912], 219), suggest that the peristasis-foundations should have been accounted for *somewhere*, but they do not go so far as to restore the inscription to comply with their suggestion.

## EPIDAUROS



same order of construction appears in the less complete record of accounts for the building of the tholos at Epidauros.<sup>1</sup>

Whether or not the order of events recorded in this inscription was adhered to on most sites, we know from the archaeological evidence that work on the Hephaisteion, for example, began with the outer edge; the foundations of the cella cut into layers of stone chips left by the dressing of the peristasis-foundations.<sup>2</sup> It also appears that the peristasis of the older Parthenon reached a fair height, whereas only the moulded base of the cella-walls was ever set in place.<sup>3</sup> It thus emerges that not only in Athens but also in the Argolid one began to build a temple from the outside edge inwards. It does not seem rash, therefore, to assume that this was the generally accepted method of constructing a rectangular temple.

In the record from Epidauros, the fourth contract, for the *στοιβά* of the cella, immediately precedes the contract for the erection of the superstructure of the peristasis. There is indeed no reason to suppose that in general the peristasis was completed before work on the cella began; the main thing was to establish the outer edge first of all, for the sake of clarity. Once this had been done, work could begin on the interior of the temple, if people felt so inclined. As we have seen, there was no structural reason why the Segestans should have done anything about the cella before finishing the peristasis. (Though the evidence of

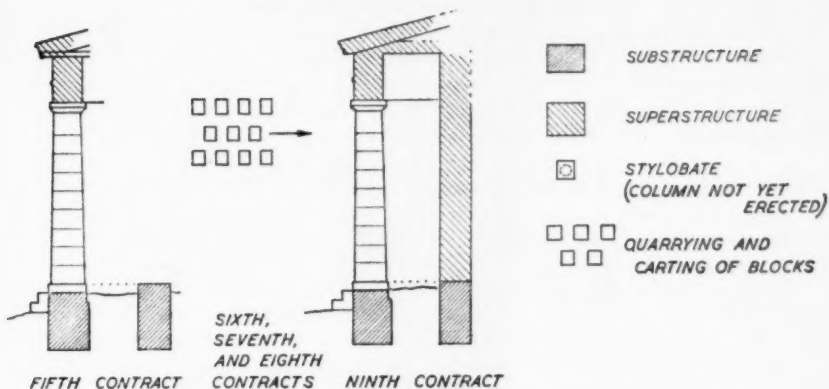
<sup>1</sup> It is clear that, in the lacuna A 8-9 of *I.G. iv*<sup>2</sup>. 103, must have stood the accounts for the construction of the peristasis, i.e. before the surviving accounts for the cella-walls. The record of accounts for the Artemis temple, *I.G. iv*<sup>2</sup>. 1, 106, also demonstrate this order of construction.

<sup>2</sup> Dinsmoor, 'Observations on the Hephaisteion', *Hesp.*, Suppl. v (1941), 30 ff.

<sup>3</sup> Dinsmoor also quotes the temple of Aphaia on Aigina as a certain example of this rule; the presence of three columns built up in drums on the north side of the otherwise monolithic peristasis is explained as the

final filling-up of a gap which had been left for the moving in of blocks required for the interior. This may well be the reason for the difference in construction. And no doubt a wide gap would have been necessary for moving in epistyle blocks. But Pace op. cit. p. 237, is surely incorrect in suggesting that the (? comparatively) narrow space between the columns at Segesta would have been an impediment to moving in material for the cella, and that this is a valid objection to the idea that the Segestans meant to complete the building.





Hittorff and Zanth suggests that they may well have started on the cella.) In any case, the fact that all protective surfaces were left undressed indicates that the builders expected to do more structural work later on. If they had intended to build only the peristasis, the masons would surely have been able to dress surfaces as they went along, or at least to have made some effort to clear away lifting-bosses.

If Hittorff and Zanth's evidence for cella-foundations is reliable, then the otherwise complete absence of blocks which can now be assigned to any part of the cella may be attributed partly to stone-robbers who yet hesitated to attack the completed peristasis (a land-mark worth preserving in any age), and partly to the Segestans' having merely sketched out the cella while concentrating on finishing the peristasis.<sup>1</sup>

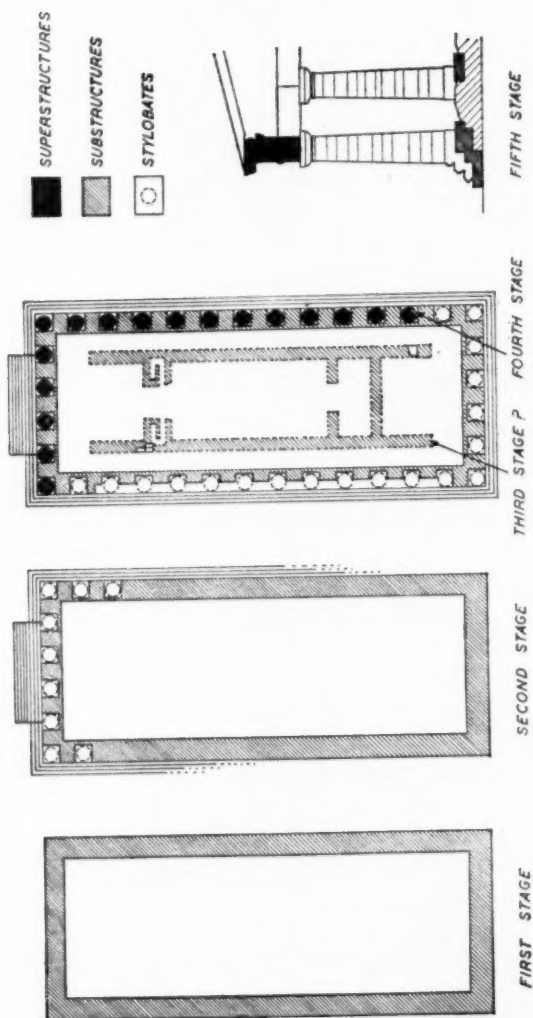
In accounting for this concentration of attention on the peristasis, one should consider the interests which promoted the building. At Epidauros, for example, a temple was required for immediate use in the newly expanding cult of Asklepios, and it was finished in four years and eight months—so that work would have begun as soon as possible at each successive stage of construction.<sup>2</sup> Whereas at Segesta, I would suggest that the motive was, primarily, to have a show of Doric architecture as evidence of the city's cultural enthusiasm for the sake of impressing the Athenians (and the Segestans); and that the wish to have a proper temple for cult-purposes came second. In this case one would naturally have concentrated on erecting the highest and most distinctive part of the building first. Standing columns are much more impressive than a mess of foundation-trenches and half-built walls; and possibly the Segestans had a premonition that the peristasis was all that they would achieve.

<sup>1</sup> If one rejects Hittorff and Zanth's evidence for cella-foundations at Segesta, a difficulty arises: one then has to assume that the Segestans, while following the general rules of construction, yet completed the peristasis before even thinking of touching the interior of the temple. The only known parallel to this procedure would be that of the curious fifth-century Telesterion at Thorikos; here, only the peristasis was erected, and there is

no sign of foundation-cuttings inside it.

<sup>2</sup> Even so, it looks as if work on the superstructure of the cella did not start for some time after the peristasis was under way. Three contracts, for quarrying and carting stone for the cella, stand in between that for the peristasis and that for the actual building of the cella, and it may be that the contract to build the cella was taken up several months after the contract to build the peristasis.

## SEGESTA



If the temple was a monument to the entente between Athens and Segesta, then it is likely that all interest in finishing the building would have died a nasty death after the Athenian defeat in 413. Dinsmoor dates the period of construction to the years 424-416, presumably seeing in the quarrel with Selinus the reason for stopping work. In which case the scheme could very well have received impetus if not actual direction from Athens about this time, i.e. in 424.

But a period of eight years seems more than long enough to erect a peristasis, and there is no reason to suppose that, for instance, work was delayed by a shortage of labour. Obviously Greek or Greek-trained masons worked on the building, since it is in no way, either structurally or stylistically, divergent from other Doric structures; they probably came from other Sicilian towns such as Selinus and Akragas, where work on the colossal temples G and the Olympieion went on until the Carthaginian invasion in 409. Supposing that work on the temple at Segesta stopped in 416, one might attribute this to the withdrawal of Selinuntian and Akragantine workmen from an enemy state. But it is in general impossible to trace political motives in the movements of small numbers of independent skilled craftsmen to or away from a site.

Or one might suppose that funds had run out in 416, so that the Segestans were obliged to give up building; but whether or not money was short, the cost of the temple need not have been at all considerable.<sup>1</sup>

It seems more likely that work on the temple *began* in 416, about the time when the Segestans appealed to Athens for help in their quarrel with Selinus. It would be much more plausible to interpret the building as a cultural flourish made to impress the Athenians then, rather than in 424. The whole exercise is somewhat in keeping with the Segestans' well-known deception of the Athenian envoys at this time: in order to win Athens' support the Segestans borrowed treasure from various sources, and tricked the envoys into thinking that the city was much richer than in fact it was.<sup>2</sup> But even though the peristasis may have been built as a blatant piece of propaganda, I still think that the Segestans were sufficiently hellenized to have aspired to a complete Doric temple, built by masons trained in the traditions and according to the methods of Greek temple-architecture. The period 416-413 provides a better context than 424-416, first, in that the Segestans can be credited with a clear motive for starting, and secondly, with a cogent reason for stopping. Finally, this, a period of something under three years, would have been quite time enough to build a peristasis if one put one's mind to it, as the Segestans surely did.

I should like to thank Mr. M. I. Finley for encouraging the writing of this paper, and Professor J. M. C. Toynbee and Dr. W. H. Plommer for reading and criticizing it.

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<sup>1</sup> Construction of the peristasis at Epidauros cost about 13,000 dr. It would have contained perhaps one-third of the work involved in the Segestan peristasis. But, even so, we cannot assume that the cost of the Segestan peristasis would have been at least three times greater. The transport of material

would have been cheaper; and a concerted civic effort (under skilled direction) would probably have come cheaper at Segesta than the employing of independent contractors at Epidauros.

<sup>2</sup> Thuc. 6. 46, cf. Diod. 12. 82. 3 ff.

## NOTES ON JURISDICTION IN THE ATHENIAN EMPIRE. I<sup>1</sup>

### INTRODUCTION

No satisfactory treatment of the whole subject of jurisdiction in the Athenian Empire of the fifth century B.C. yet exists,<sup>2</sup> and in this paper I make no attempt to provide a complete account. My purpose is twofold: to deal in some detail with certain specific problems, and to demonstrate that the most fruitful method of approach to the whole subject—perhaps, indeed, the only one which can reduce it to order—is to divide it up under three particular headings and to treat each of these separately. Only Part I will be included in the present issue of this journal; Parts II and III, with a brief Conclusion, will appear in a later issue.

Our first task is to describe the three main categories into which the whole subject needs to be divided at the outset. It is convenient to list them in the reverse of their order of importance.

The first category, described in Part I below, comprises *δίκαι ἀπὸ συμβολῶν*: lawsuits (*δίκαι* in the broadest sense, including *γραφαί*)<sup>3</sup> in each of which one party is an Athenian and the other a member of an allied state, tried under the provisions of *συμβολαί*, treaties between Athens and the respective states concerned.

A second category, to be discussed in Part II, consists of certain trials (all of which we should consider 'criminal' in character) arising under regulations, general or special, made by Athens for the government of the Empire or some part of it. The characteristic which distinguishes these trials from those of the third category is that their taking place at Athens did not constitute an interference with the judicial autonomy of any other state. They were not *transferred* to Athens: they could hardly have taken place anywhere else.<sup>4</sup>

<sup>1</sup> Among the friends with whom I have discussed the draft of this paper, or parts of it, and who have made useful suggestions or criticisms, I particularly wish to thank Professors D. Daube, E. G. Turner, and H. T. Wade-Gery, Mr. D. M. Lewis, Mr. R. Meiggs, and most of all (especially in regard to the interpretation of Thuc. 1. 77. 1) Mr. A. R. W. Harrison. They must not be taken as agreeing with the opinions expressed here.

<sup>2</sup> The only recent work which attempts to give a complete account, namely H. G. Robertson, *The Administration of Justice in the Athenian Empire* (1924), is very unsatisfactory.

<sup>3</sup> This seems clear, if only from Ar. fr. 278 (Kock, *C.A.F.* i. 463). It appears from the new restoration of the last four lines of Face A of I.G. i<sup>2</sup>. 6 (with I.G. i<sup>2</sup>. 9) by B. D. Meritt, in *Hesp.* xv (1946), 249–51, that there might be *δίκαι ἀπὸ συμβολῶν* the parties to which were *οἱ Ἀθηναῖοι* collectively and another state.

<sup>4</sup> All our evidence, as far as I know, is from the period of the full *ἀρχή* (see n. 2 on p. 107 below). Undoubtedly, in the early years of the Delian League, the League *σύνδοκος* sometimes acted in a judicial or quasi-judicial capacity. That the reduction of allies who had 'revolted' was on some occasions at any rate (probably on all occasions in the early days of the League) authorized by a formal vote of a *σύνδοκος* is certain, if only from Thuc. 3. 10. 5 (*διὰ πολυψηφίαν*); 3. 11. 4 (*ισοψηφούς*); cf. 1. 97. 1. A. H. M. Jones, in *Proc. Camb. Philol. Soc.* (1952/3), 43–46, suggests that this procedure was adopted as late as 440, on the revolt of Samos. Did the *σύνδοκος*, in these earlier years, perhaps also try offences against those League regulations which it had itself authorized? The whole subject of the activities of the *σύνδοκος*, however, is very obscure, and I think we can ignore it for present purposes. All the cases I have in mind in Part II would have been tried at Athens, by a purely

The third and most important category consists of lawsuits which would, but for the imperial power of Athens, have been tried in an allied state, but which were in fact brought to Athens (either on appeal, or by transfer *ab initio*) by decree of the imperial city, general or special. In these cases, which will be considered in Part III, Athens actually interfered with the jurisdiction of an ally or allies. If we isolate this category, we shall find that we can identify the principles on which Athens proceeded in this sphere.

We must never allow ourselves to speak of 'political cases', as so many writers have done, even if we think we know what we mean by that expression: it cannot be properly defined, and the Athenians never resorted to it, or anything like it. Any case might be 'political', without having any particular identifiable characteristic. A charge of murder might well be 'political', but equally it might not. Even a charge such as sacrilege (*ἀσέβεια*) could be a disguised 'political' accusation: one thinks of the prosecution brought by Peithias, the Corcyraean *ἐθελοπρόξενος τῶν Ἀθηναίων*, when he successfully accused his political opponents of cutting stakes on land sacred to Zeus and Alcinous.<sup>1</sup>

### I. *δίκαι ἀπὸ συμβολῶν*<sup>2</sup>

The main question we have to ask here is whether Athens allowed normal procedure to take its course, or whether she made use of her imperial power to transfer to her own courts cases which would otherwise have been heard elsewhere. The two principal texts, which need to be considered together, are Thucydides 1. 77. 1 and the Phaelis decree.

There is one essential point which must be made first. Modern scholars habitually conceive *δίκαι ἀπὸ συμβολῶν* as being mainly if not exclusively 'commercial' suits, or at any rate as arising out of contract. Now as a rule the development of commercial relations between two cities may well have been the main factor leading to the conclusion of *συμβολαί* in the first place; but this by no means implies that the lawsuits conducted under the terms of such *συμβολαί* would be entirely or predominantly 'commercial' or even contractual in character. (An obvious example of a 'contractual' but not 'commercial' lawsuit would be an action to enforce a loan which was not—like a bottomry loan, for instance—made for a specific commercial purpose.) We have very little evidence indeed about the nature of the lawsuits provided for by *συμβολαί*. In the case of Athens, the few scraps we have point to what we should call torts or crimes rather than contracts as the foundation of the suits contemplated: I have dealt with this fragmentary evidence in Appendix A below. This may perhaps be due to the accidents of survival; but in any event we certainly must not begin by taking it for granted that we can virtually identify *δίκαι ἀπὸ συμβολῶν* with 'contract cases', let alone 'commercial cases'. There is one factor in particular which it is easy to overlook. When people talk today about 'commercial suits', they are thinking above all of actions arising out of contracts of sale. But in classical Athens, where the vast majority of sales were for cash, with immediate delivery, occasions for such actions will have been relatively

Athenian jury or the Athenian assembly itself; and under the full *ἀρχή* I doubt if the Athenians ever troubled to get such a decision rubber-stamped, so to speak, by a League *σύνδοκος*.

<sup>1</sup> Thuc. 3. 70. 3 ff.

<sup>2</sup> The treaties are *συμβολαί* in the fifth-century sources. In the fourth century sometimes, and later always, they are *σύμβολα*. In either case we normally find the plural used also for the singular, as with *συνθήκαι*.

rare; and, moreover, it appears that the legally recognized 'contract of sale', as we know it, did not exist, so that what we should call an uncompleted contract of sale—that is to say, a sale on credit or with future delivery—was not as a general rule enforceable through the courts, unless special steps had been taken to make it so, for instance by disguising the transaction from the first as a loan from vendor to purchaser.<sup>1</sup> This considerably reduces the size of any notional class of 'commercial' or 'contractual' suits. Legal protection against injury, to person or property, will have been just as necessary to the foreigner as to the citizen, and to the merchant no less than anyone else. I submit, therefore, that *δίκαι ἀπὸ συμβολῶν* arising out of what we call torts or crimes are likely to have formed a class at least as important and as numerous as those arising out of contract.

*Thuc.* 1. 77. 1. This text has been discussed over and over again. Some eighty years ago Goodwin remarked that these words were a familiar puzzle and any new attempt to discuss them was apt to excite a smile.<sup>2</sup> Since then there have been many such attempts, but little progress has been made, and the discussion to which many perplexed readers of Thucydides might turn first, that of Gomme,<sup>3</sup> is thoroughly confusing and contains a number of errors.

Now virtually all lawsuits between Athenians and allies<sup>4</sup> would necessarily have been *δίκαι ἀπὸ συμβολῶν*, and whether we read (as I should prefer) *ξυμβολαίαις* or (with Cobet and Gomme) *ξυμβολιμαίαις* in *Thuc.* 1. 77. 1, we must take the phrase in which it occurs to mean 'in *δίκαι ἀπὸ συμβολῶν* with our allies', and not limit it arbitrarily to contractual cases.

Interpretations divide themselves into two main groups,<sup>5</sup> according to whether the Athenians are or are not saying that *because they were εἰλασσοῦμενοι* (corresponding to the imperfect tense, of past repeated action) in *δίκαι ἀπὸ συμβολῶν* with allies, in allied courts, therefore they had *transferred* all such cases to the Athenian courts. What I shall call interpretation A (which can have minor variations) assumes that this *is* what the Athenians are saying.

<sup>1</sup> See F. Pringsheim, *The Greek Law of Sale* (1950), esp. pp. 90–92; L. Gernet, *Droit et société dans la Grèce ancienne* (1955), pp. 201–36; and, for a brief outline, J. W. Jones, *The Law and Legal Theory of the Greeks* (1956), pp. 227–31. Actions (*δίκαι ἀναγωγῆς*, perhaps, although the expression does not occur in the surviving sources) might arise after the sale of slaves (*Hyper. c. Athenog.* 15) and conceivably of certain animals (but see Pringsheim, *op. cit.*, pp. 477–80, 487–8), if the purchaser found some latent defect: these, at Athens, will have been among the *δίκαι ἀνδραπόδων* (and perhaps *ὑποζυγίων*) of *Arist. Ath. Pol.* 52. 2.

<sup>2</sup> W. W. Goodwin, in *A.J.P.* i (1880), 4. The article is not a helpful one.

<sup>3</sup> A. W. Gomme, *Hist. Comm. on Thuc.* i. 236–43.

<sup>4</sup> I say 'virtually all' because of the possibility that some states, for a time anyway, may not actually have had *συμβολαί* with Athens, and yet that litigation may have taken place between their citizens and Athenians; cf. *Ps.-Dem.* 7. 9–13, discussed in Appendix C below.

<sup>5</sup> It will be obvious to anyone who knows the extensive literature that I am ignoring certain variants which seem to me not to deserve detailed discussion: for example, the view ultimately adopted by Gomme (p. 243, with 236), according to which Thucydides' first participial clause refers to *ξυμβολιμαίαις δίκαις* conducted in allied courts, and his second (*καὶ παρ' ἡμῖν αὐτοῖς ἐπλ.*) to 'other classes of *δίκαις* which are tried at Athens (namely, political trials)'. Quite apart from the unfortunate use of the expression, 'political trials' (on which see p. 95 above), this rendering misses the contrast between the unfairness of the allied courts and the fairness of the Athenian ones, and makes nonsense of both participial clauses, the first because it becomes totally irrelevant to the charge of *philodikia* (as indeed Gomme himself appears to admit, on p. 243), and the second because it is now open, *mutatis mutandis*, to the objections set out on pp. 97–98 below to what I have called 'interpretation A'. See also Turner's article, cited in p. 97, n. 3 below.



Interpretations of the other group, which I shall call B, take *ελασσούμενοι* as corresponding to the present indicative, of present continuing action. Within this group there are several variants, but at this stage I shall merely list the essentials: the Athenians say (a) they 'come off worse' (how, we shall discuss presently) in *δίκαι ἀπὸ συμβολῶν* with their allies; (b) in their own courts they give equal justice (to allies and themselves); (c) they get the reputation of being litigious.

Before we consider 1. 77. 1 in detail we must set it in its context. This can best be done in the following way. We begin with the fact that behind the particular statements contained in the text are certain general propositions which, although they are put into the mouths of the Athenians, are characteristically Thucydidean in outlook.<sup>1</sup> It is only human nature to exercise rule over others if you can (76. 3; cf. 4. 61. 5; 5. 105. 2), and normally men will admit that it is for the weaker to yield to the stronger (77. 3). States which are in a position to use force do not need to employ legal process as well (77. 2); but if they do, if they are 'more just than they need be, having regard to their strength', they deserve praise (76. 3-4). On the other hand, men are more angered when they are *ἀδικούμενοι*, i.e. unjustly treated (in their opinion) in legal process, than when they are *βιαζόμενοι*, coerced openly (77. 4); and, once they are admitted to legal process, they will be more exasperated at their inferiority if they receive what they think is less than their due, than if they had been subjected to naked force all along (77. 3). The Athenians fit themselves into this picture, claiming (if we may ignore 77. 1 for the moment) that they have been *μέτριοι* (76. 4; 77. 2) and have allowed their allies to deal with them on terms of equality (*ἀπὸ τοῦ ἴσου*: 77. 3, 4); that they have shown *τὸ ἐπιεικές*, and deserve praise rather than blame (76. 4); that other imperial powers are less *μέτριοι* towards their subjects, but are not reproached for *philodikia*—yet the allies of Athens do not reflect on this (77. 2).

All we now have left is 77. 1.<sup>2</sup> The thought is very compressed, and there may be more in the passage than any literal translation of the actual words can give. As E. G. Turner has so well shown in an admirable short paper,<sup>3</sup> 77. 1 is an example (*καὶ . . . γάρ*) of what the Athenians have been complaining about in 76. 3-4 and will return to in 77. 2 ff. I paraphrase: 'We could not be expected, human nature being what it is, to refuse *ἀρχή*, but at any rate we have been more just than we need have been, having regard to our imperial power (76. 3). Our very *ἐπιείκεια* has, unreasonably, brought us condemnation instead of praise (76. 4).' At this point comes our *καὶ . . . γάρ*: we must expect an example of Athenian behaviour exhibiting their *ἐπιείκεια*, which nevertheless, unreasonably or unexpectedly, has brought them *ἀδοξία* instead of *ἐπαινος*. The general sense, then, is clear: in *δίκαι ἀπὸ συμβολῶν* with their allies the Athenians behave better than they need, only to be taunted, unreasonably, with *philodikia*.

All this makes interpretation A impossible. The reasons can be summarized under two heads:

1. Even if we ignore the context, the word *φιλοδικεῖν* becomes nonsensical. If the Athenians had really transferred all (or even most) *δίκαι ἀπὸ συμβολῶν*

<sup>1</sup> In particular, cf. 1. 77. 3-4 with 4. 86. 6.

<sup>2</sup> Secs. 5-6 of chap. 77 can be ignored here, as introducing side issues only—not to mention an element of confusion, in *εἰκότως*

. . . *ὑπηκόους*, for which see Steup and Gomme, ad. loc.

<sup>3</sup> 'Φιλοδικεῖν δοκοῦμεν' (Thuc. 1. 77)', in *C.R.* lx (1946), 5-7.

to Athens, by force necessarily, then (even if they had given equal justice there) the charge of *philodikia* would have been both inappropriate and (even more) inadequate: we should need quite a different word and a much stronger one. Thucydides often uses words in a very strained manner, but never carelessly. Here he is making the Athenians defend their imperial rule. He would hardly make them raise a matter which was primarily to their discredit, and then offer only a lame defence to an unimportant part of the charge.

2. The context, both before (76. 2-4) and after (77. 2-4), insists strongly that the Athenians have *not* used the *βία* they derive from their *ἀρχή*. But on interpretation A the main thing the Athenians confess to having done is precisely to transfer the *δίκαι ἀπὸ συμβολῶν*, by exercising their imperial *δύναμις*, from allied states to Athens. The fact that they had then, as they claim, given impartial justice would be very secondary.

The one apparent practical illustration of A, namely the case of Phaselis, is seen to be no such thing when the decree is properly understood, as explained below. The only other thing I need say is that although one might have expected *ποιούντες* in 77. 1 rather than the aorist participle, *ποιήσαντες* is no more difficult on interpretation B than on A: in either case the Athenians *once and for all brought it about that* judgments in their own courts would be given on a basis of equal justice for citizens and foreigners.

Two major problems now remain: (1) In what sense are the Athenians *ἐλασσούμενοι*, and (2) What precisely does *φιλοδικεῖν* mean?

The interpretation given to *ἐλασσούμενοι* by the scholiast (who comments, *καθὸ ἐξ ἰσοτιμίας δικάζόμεθα πρὸς αὐτοὺς, καίτοι δυνάμενοι ὡς ἄρχοντες ἔχειν τὸ πλεόν*) may be expressed as 'come off worse, by having *δίκαι ἀπὸ συμβολῶν* at all, than we might have done by exercising our imperial power'. This must be right; it fits the context admirably, especially in the relevance it gives to *φιλοδικεῖν*: the allies perversely take the very fairness of the Athenians (i.e. their submitting to legal process) as a ground of complaint, just as we find in 76. 4 (*ἡμῖν δὲ καὶ ἐκ τοῦ ἐπιεικοῦς ἀδοξία τὸ πλεόν ἢ ἔπαινος οὐκ εἰκότως περιέστη*)—'Oh, it's no credit to them that they litigate instead of using force; they just love to litigate.' It may be useful at this point to cite Ps.-Dem. 56. 14, where the speaker says that he and his partner had thought it well to *ἐλαττοῦσθαι τι καὶ συγχωρεῖν* (by forgoing some interest) *ὥστε μὴ δοκεῖν φιλόδικοι εἶναι*. Here we find a very similar notion: that consenting to take less than one might have done ought to save one from the charge of being a *φιλόδικος*.

But I think that Thucydides, with his usual compression, has managed to put another idea as well into the word *ἐλασσούμενοι*. In the second participial clause (beginning *καὶ παρ' ἡμῖν αὐτοῖς*) there is surely an irresistible suggestion that in *δίκαι ἀπὸ συμβολῶν* heard in allied courts the laws are not *ὅμοιοι* and the Athenians 'come off worse than they ought to have done', 'receive less than their due'—a very common meaning of *ἐλασσοῦσθαι* and one which is found several times in Thucydides, e.g. in 3. 42. 5, 5. 30. 2 and 43. 3, and surely 1. 77. 3. This further meaning of *ἐλασσούμενοι* seems to me an essential ingredient in the sentence as it now stands, because unless it is present there is really no reason at all why the second participial clause should have been included: it would then be irrelevant both to the *ἐλασσούμενοι* clause (if that is simply taken to mean 'come off worse than we might have done by relying on force') and to the charge of *philodikia*. I believe the second participial clause is, as it were, an

aside, and should be read as if in brackets—'although as a matter of fact in our own courts we give impartial justice'.<sup>1</sup>

For the meaning of *φιλοδικεῖν*, the most useful contribution is again that of Turner, who reviews the few known early examples of this rare set of words (*φιλοδικεῖν*, *φιλόδικος*, *φιλοδικία*) and points out that they cannot be stretched to cover 'loving litigation' in the broader sense of that expression, importing 'the external idea of spectators and connoisseurs of legal action—and (if the profit motive is admitted) of third-party profiteers'. As Turner shows, failure to understand this has vitiated several modern discussions of Thuc. 1. 77. 1. He rightly limits these words to 'litigiousness' proper, i.e. loving to litigate, whether or not the occasion justifies such a course of action. Turner indeed goes so far as to deny that anyone but a plaintiff can be called *philodikos*. It is true that very much more often than not a *philodikos* would be seen to be such because he had been instituting actions: this would account for the fact that all the six discoverable early examples of *φιλοδικεῖν* and *φιλόδικος* apply to plaintiffs. But 'litigiousness' can also be shown by a refusal on all occasions to settle out of court, by saying to a person one has wronged, 'All right, sue and be damned!' The charge made against the Athenians was surely that they 'loved to litigate', whether as plaintiffs or as defendants.

We must not forget that in the great majority of *δίκαι ἀπὸ συμβολῶν* the case would be tried by the courts of the defendant's city, for reasons which will appear later. This would be well known to the educated Greek for whom Thucydides was writing, and it allows us to give an even sharper point to 77. 1. To bring out what I conceive to be the full implications of the sentence, I will give a deliberately inflated paraphrase:

'(We will give an example of this unreasonable condemnation instead of praise which our fairness earns.) We come off worse than we need by the very fact that we submit to *δίκαι ἀπὸ συμβολῶν* with our allies, and when the actions are tried in their courts (where of course we are generally plaintiffs) we are sometimes unfairly treated—although in our own courts we (do not retort with similar unfairness but) give impartial justice. In spite of this we have got the reputation of being litigious. (And this is particularly unjust, because litigiousness will be shown mainly in bringing actions, as plaintiffs; and when we are plaintiffs the actions will normally be tried in foreign courts, where we are likely to be unfairly treated, and so could have no motive for litigating excessively.)'

If I had to offer a translation, it would be as follows:

'For in fact<sup>2</sup> we submit to legal process, including some unfair treatment, in cases against our allies conducted under treaty provisions—although in our own courts we give impartial justice. The only result is that we have got the reputation of being litigious.'

Needless to say, we must not take the statements in 1. 76–77 as made by Thucydides in his own person: they come from a speech he has put into the mouths of the Athenians, and whether this closely represents what was said or

<sup>1</sup> After this paper was finished, I received a letter from Prof. Wade-Gery (then in the U.S.A.) containing an entirely new interpretation of Thuc. 1. 77. 1, to which, with Wade-Gery's kind permission, I have referred

in an Addendum on pp. 111–12 below.

<sup>2</sup> This, I think, is the force of *καὶ . . . γάρ*. See J. D. Denniston, *The Greek Particles*<sup>2</sup>, pp. 110–11.

not, Thucydides is no guarantor of the truth of its contents. On the other hand, if the Athenians could make, or merely (as I would suppose) be represented by Thucydides as making, a specific statement that they submitted to legal process in *δίκαι ἀπὸ συμβολῶν*, the statement was almost certainly correct, because the facts would be generally known, and it would be absurd to lay such stress on an argument which everyone would know to be false. The more general statements of the Athenians (that they gave impartial justice in their own courts, for instance) have less weight, and each of us will decide for himself how far they are true, in the light of all the other evidence. But I believe that the reason why the Athenian speakers are made to refer specifically to *δίκαι ἀπὸ συμβολῶν* and not to any other type of lawsuit (a fact which has puzzled some people) is simply that the record of Athens in these particular suits really was unimpeachable, and not open to valid criticism, even by her enemies; whereas in all other kinds of litigation affected by the Athenian ἀρχή, Athenian imperial power might sometimes intrude (as we shall see) in ways which could hardly be justified on the accepted principles of αὐτονομία. The Athenians could choose their own ground to make their defence, and even if, of necessity, the area they chose here was not very large, they made a wise choice.

*The Phaselis decree.* In a very interesting recent essay, Wade-Gery has made out a strong case for dating this decree between 469 and 462, i.e. after the battle of the Eurymedon but before the reforms of Ephialtes.<sup>1</sup> His whole discussion is most valuable, but I cannot accept his interpretation of lines 6-11 (which is of little importance in relation to the problems with which his paper is mainly concerned).

I wish to make a series of points, under six main heads:

1. (a) In the late fourth century anyway,<sup>2</sup> and I believe at all material times, *δίκαι ἀπὸ συμβολῶν* were normally tried in the courts of the Thesmothetai,<sup>3</sup> who also tried *δίκαι ἐμπορικά*—introduced, probably, only in the mid-fourth century.<sup>4</sup>

(b) In the late fourth century, again, and for all we know in the fifth, the Polemarch's court tried only one class of cases: those involving *specialty privileged foreigners*, i.e. all *μέτοικοι, ἰσοτελεῖς, and πρόξενοι*.<sup>5</sup> As we shall see in Part III,

<sup>1</sup> *I.G.* i<sup>2</sup>. 16 = Tod, i<sup>2</sup>. 32. The best text is that given, with a translation and commentary, by H. T. Wade-Gery, *Essays in Greek History* (1958), pp. 180-200. On the question of the date, see pp. 184-5, 189, 192-7.

<sup>2</sup> See Arist. *Ath. Pol.* 59. 6.

<sup>3</sup> Needless to say, when I speak of 'the courts of the Thesmothetai' or 'the Polemarch's court', I mean no more (in relation to the period after c. 462/1 at any rate) than the heliastic courts (*δικαστήρια*) presided over by one of the Thesmothetai, or the Polemarch. It is very likely that before c. 462/1 the presiding magistrate had considerable powers, and was a judge rather than a mere *εἰσαγωγεύς*. The reasons for putting the change in or about 462/1 are given by Wade-Gery, *op. cit.*, pp. 171 ff., esp. 174-9; cf. 184-5, 195. The most important piece of evidence is Aesch. *Eumen.* 408-89, 566-753.

<sup>4</sup> See Gernet, *op. cit.* (in p. 96, n. 1 above), pp. 173-200.

<sup>5</sup> Arist. *Ath. Pol.* 58. 2-3. J. H. Lipsius, *Das attische Recht und Rechtsverfahren*, p. 65 and n. 49, and G. Busolt-H. Swoboda, *Griechische Staatskunde*, ii. 1095 and n. 4, limit the jurisdiction of the Polemarch to cases in which metics, etc., were defendants. This is evidently not true of at any rate the fifth century. The Phaselis decree itself must have been intended mainly for the benefit of Phaselite plaintiffs, for reasons which will shortly become apparent; and in the second half of the century five inscriptions (forming a group to be discussed in Part III) show certain favoured foreigners (who either were proxenoi or were given a similar status) receiving the right to sue in the Polemarch's court. Although these inscriptions are fragmentary and need much restoration, their purport, when they are taken together, can hardly be doubted. The clearest of them, for present purposes, are *I.G.* i<sup>2</sup>. 153 and 55; the others are *I.G.* i<sup>2</sup>. 152 and *S.E.G.* x. 23 and 108.

the right of proceeding in the Polemarch's court was sometimes granted specifically by decree to certain favoured foreigners.

(c) Such a grant was clearly regarded as a privilege: we find it given to none but those foreigners whom Athens delights to honour, in return for services to the Athenian state. I know of no direct evidence why proceeding in the Polemarch's court was regarded as a valuable privilege for the foreigner. However, a very likely suggestion has been made by Wade-Gery:<sup>1</sup> 'It may be that in this court an alien needed no *prostates*: somehow, at least, this court's rules of procedure gave him something like a citizen's status.' And I would submit that there may have been another great advantage: it appears from what Aristotle has to say about the duties of the various Athenian magistrates that the Polemarch's court is likely to have had less business than any of the others, and probably therefore was able to dispose of its business more speedily.<sup>2</sup> And would not speed of hearing be the vital consideration for a foreigner, who would suffer far more than an Athenian if he were kept kicking his heels at Athens, waiting for his case to be heard?

(d) If therefore, as I shall maintain, the Phaselites are receiving, by this decree, no more than the right of proceeding in the Polemarch's court whenever one of them is involved, as plaintiff or defendant,<sup>3</sup> in a *δίκη ἀπὸ συμβολῶν* at Athens, they are receiving *en bloc* a coveted privilege, usually reserved for favoured individuals.

2. (a) The interpretation of lines 6-11 (Wade-Gery's Clause I), and especially of the words *ὅτι ἂν μὲν Ἀθ[ήνῃσι] ξ[υμβόλαιον] γένηται [πρὸς Φ]ασηλιτῶν τινα*,<sup>4</sup> is crucial. The words quoted do not mean 'in the case of a contract made at Athens, involving a Phaselite', but rather, 'if a *συμβόλαιον* [in the sense defined below: something like 'legal dispute' or 'right of legal action'] arises at Athens, involving a Phaselite'; and what the decree provides in such an event is not that 'the action is to be tried at Athens, in the Polemarch's court, as in the case of the Chians, and nowhere else (than at Athens)', but that 'the action, (if brought) at Athens, is to be tried in the Polemarch's court, as in the case of the Chians, and nowhere else (than in the Polemarch's court)'.<sup>5</sup> On this interpretation, *ξυμβόλαιον* (a word with a very wide range of meanings)<sup>6</sup> here means not 'contract' but (to

<sup>1</sup> Op. cit. (in p. 100, n. 1 above), p. 188, n. 2.

<sup>2</sup> Arist. *Ath. Pol.* 56. 6-7; 57. 2-4; 58. 2-3; 59. 1-6. (This of course describes the situation in the 320's, but is likely to apply for the most part to the fifth century as well.) See also, for the duties of the Polemarch, J. H. Lipsius, op. cit. (in p. 100, n. 5 above), pp. 63-66, 369-73, 620-6; G. Busolt-H. Swoboda, op. cit. (in the same note), pp. 1093-6. For the congestion of the Athenian courts in the late fifth century, causing long delays, see Ps.-Xen. *Ath. Pol.* 3. 15. I do not see that we can draw any safe conclusions about the activities in the mid-5th century of the *ναυτοδίκαι* who are occasionally mentioned in 5th- and early 4th-century sources (Cratin. fr. 233 [Kock, *C.A.F.* i. 83]; Ar. fr. 225 [Kock, i. 450]; *I.G.* i<sup>2</sup>. 41. 4-5, but see the Meiggs-Andrewes edition of Hill's *Sources*, B 54, at p. 303; Lys. 17. 5). See

Lipsius, op. cit., pp. 86-88; Busolt-Swoboda, op. cit., pp. 1114-15; Hopper, as cited in n. 5 below, at p. 39 and n. 45.

<sup>3</sup> As Wade-Gery points out (op. cit., p. 188, n. 3), 'Clause IV gives its protection only to the Phaselite defendant . . . : the Phaselite plaintiff could look after himself'—i.e. he would be able to bring the case in the Polemarch's court from the first. (And see p. 100, n. 5 above.)

<sup>4</sup> Here, as sometimes elsewhere, I have for convenience kept in square brackets only those letters which someone might conceivably wish to restore differently.

<sup>5</sup> As far as I know, the only scholar who has pointed this out is R. J. Hopper, 'Interstate Juridical Agreements in the Athenian Empire', in *J.H.S.* lxiii (1943), 35-51.

<sup>6</sup> This has been fully understood by several scholars. See, for example, Gernet, op. cit. (in p. 96, n. 1 above), p. 79, n. 4:



use Hopper's definition<sup>1</sup>) 'the legal relation out of which could arise lawsuits, . . . the equivalent of the Latin *obligatio*'—which, as Hopper points out, could give rise to *actiones ex delicto* as well as *actiones ex contractu*. This part of the decree (Clause I), whatever interpretation of it one may adopt, is concerned solely with the place of trial of *legal actions*, and need not, therefore, take notice of any *συμβόλαια* other than those in which someone has, or believes himself to have, a *legal right of action*. Beyond this, we are not concerned with the problem of the 'localization' (so to speak) of *συμβόλαια*: for present purposes it is sufficient that a *συμβόλαιον* in our sense has certainly come into existence at Athens not later than the moment at which a Phaselite decides to institute legal proceedings there against an Athenian, or vice versa. Legally, no doubt, the *συμβόλαιον* 'arises' at the moment a crime or tort (to use English legal terminology) is committed against the prospective plaintiff, or a contract in which he has a legally enforceable interest is broken.<sup>2</sup>

(b) Now it is precisely this sense of the word which we habitually find in inscriptions—naturally enough, because inscriptions which have cause to mention *συμβόλαια* are normally public decrees providing for their settlement in court. In such cases, the meaning of *συμβόλαιον* comes very near to that of *ἐγκλημα*: 'accusation, charge, complaint'.<sup>3</sup> Examples are: (i) Tod, i<sup>2</sup>. 88. 18 ff. (Selymbria), dealing with cases where the parties concerned will need to *διאלύειν* or to *ἀμφισβητεῖν* the *χσυμβόλαια*, which therefore are not mere contracts, but already matters in dispute, and must surely include what we should call actions in tort, and even perhaps criminal cases as well. The *χσυμβόλαια* are defined as including not only those between individuals but also *ιδιώτει πρὸς τὸ κο[ινὸν] ἐ τῷ κοι[νῷ] πρὸς ιδιώτε[ν] ἐ εἰάν τι ἄ[λλ]ο γίγ[ινετα]*. We may compare Tod, i<sup>2</sup>. 96. 17 ff. (Samos), where the word *ἐγκλημάτων* is surely a synonym for the *χσυμβόλαια* of the Selymbria decree. (ii) Tod, ii. 195. 14–17 (Olbia and Miletus), a very clear case. (iii) S.E.G. i. 363. 3, 6, 9 (Samos), where the phrase *τὰ μετέωρα συμβόλαια* is appropriate to pending *actions*. (It is gratuitous to limit the meaning of *συμβόλαια* here to 'suits for enforcing contracts', with L.S.J., s.v. *συμβόλαιον*, II. 1.) (iv) S.I.G.<sup>3</sup> 344 (= Welles, R.C.H.P. 3), 24–25: *τὰ δὲ ἐγκλήματα καὶ τὰ συμβόλαια . . . αὐτοὺς πρὸς αὐτοὺς διαλυθῆναι ἢ διακριθῆναι*, translated by Welles, 'As to the *suits based on injury or breach of contract*'. (v) S.I.G.<sup>3</sup> 494. 8 (Delphi).

(c) Literary parallels are not wanting. (i) A particularly clear case is Isocr. 20. 16 (*ὧν ἕνεκα δεῖ περὶ πλείστον ποιεῖσθαι ταύτας τῶν δικῶν, καὶ περὶ μὲν τῶν ἄλλων συμβολαίων τοσούτου τιμῆν, ὅσον προσήκει τῷ δῶκοντι κομίσασθαι, περὶ δὲ τῆς ὕβρεως* κτλ.). The action is either a *γραφὴ ὕβρεως* or a *δίκη αἰκείας* (this is disputed), and in view of §15 the *ἄλλα συμβόλαια* are evidently actions relating to offences against property, such as the *δίκη* or *γραφὴ κλοπῆς*. (ii) Again, in 'Le mot *συμβόλαια* s'étend . . . à tous les rapports de droit privé . . . ; mais il s'applique par préférence aux rapports contractuels.' Lipsius, who misinterpreted Clause I of the Phaselis decree (op. cit., p. 966, n. 4), nevertheless saw that the expression *συμβόλαια* can be applied not only in the narrower sense of 'Verträge' but also to 'Rechtsgeschäfte' in general (op. cit., pp. 568 and n. 77, 683). See also W. Wyse, *The Speeches of Isaeus*, pp. 384–5 (note on Isac. 4. 12).

<sup>1</sup> Op. cit., pp. 38–40.

<sup>2</sup> In Ps.-Dem. 32. 8–9, where the authorities in Cephallenia very sensibly order the ship to return to Athens, *δοῦναι περ ἀνήχθη*, a *συμβόλαιον* might certainly be said to have come into existence at Cephallenia when the dispute arose about where the ship should go.

<sup>3</sup> Another word sometimes used in this sense is *συνάλλαγμα*: see O.G.I.S. 229. 54 (*περὶ τῶν συναλλ[αγμάτ]ων καὶ τῶν ἐγκλημάτων*), and p. 104, n. 2 below.



Ps.-Dem. 50. 1 (εἰ μὲν γὰρ περὶ ἄλλου τινὸς συμβολαίου ἐγὼ διαφερόμενος πρὸς Πολυκλέα εἰσῆεν εἰς ὑμᾶς κτλ.) there is no question of any contract between Apollodorus and Polyclus: the suit is *ex delicto*.<sup>1</sup> (iii) Another convincing example is Ps.-Dem. 37. 2, where the speaker, Nicobulus, complains that if any of Pantaenetus' complaints were genuine, he would have brought his action κατ' ἐκείνους . . . τοὺς χρόνους . . . ἐν οἷς τὸ συμβόλαιον ἡμῖν πρὸς ἀλλήλους ἐγένετο. Here 'the time at which τὸ συμβόλαιον ἐγένετο' cannot possibly mean 'the time at which the contract [or 'the loan'] was made'. It is obvious from §§ 6-16 of the speech that a considerable time had elapsed before Pantaenetus could have had any ground for starting his action against Euergus. What Nicobulus is saying is that Pantaenetus should have brought the action at the very time the dispute between them arose. (iv) Arist. *Pol.* 1331<sup>b</sup>7, where περὶ τὰ συμβόλαια is at once defined as περὶ τε γραφὰς δικῶν καὶ τὰς κλήσεις καὶ τὴν ἄλλην τοιαύτην διοίκησιν. (v) Plut. *Them.* 5. 6, where Themistocles is spoken of as κριτὴν ἀσφαλῆ περὶ τὰ συμβόλαια παρέχων ἑαυτὸν. Here again συμβόλαια does not mean 'contracts' in general, but 'disputes', which might otherwise have developed into actions at law, and must surely include those having a non-contractual origin (cf. *Them.* 24. 1). (vi) A literary passage which, as far as I know, has not been utilized for the elucidation of the Phaelis decree, although it provides the one exact parallel to the *συμβόλαιον γένηται* clause, is Dion. Hal. *Ant. Rom.* 6. 95. 2, part of a Greek version<sup>2</sup> of the 'Foedus Cassianum' between Rome and the Latin allies, of 493 B.C. The relevant portion of this reads, τῶν τ' ἰδιωτικῶν συμβολαίων αἱ κρίσεις ἐν ἡμέραις γενέσθωσαν δέκα, παρ' οἷς ἂν γένηται τὸ συμβόλαιον. It seems to be taken for granted nowadays that this text provides for the trial of each 'contract' in the city in which it was made,<sup>3</sup> whereas I would of course maintain that it is prescribing as the place of trial the city in which the dispute arises. Translations such as Tenney Frank's,<sup>4</sup> 'In the case of private sales and contracts, judgments shall be rendered within ten days in the courts of that city in which the sale was made', are very wide of the mark. The introduction of 'sales' is entirely unwarranted; and again, if the word συμβόλαια is taken to refer to 'contracts', no provision at all is made for actions *ex delicto*. The κρίσεις are decisions of συμβόλαια, i.e. of the lawsuits which have arisen (*ex contractu* or *ex delicto*), not of 'contracts'. They are to be decided within ten days, undoubtedly from the date of the συμβόλαια—here again to be interpreted, then, as roughly equivalent to ἐγκλήματα in the technical sense. And each is to be tried, quite naturally, in the courts of the city where it arises. (vii) Isocr. 17. 52 provides us with a close parallel to the *συμβόλαιον γένηται* clause of the Phaelis decree. Here we find Satyrus, the tyrant of Bosphorus, refusing to give a decision in his own court περὶ τῶν ἐνθάδε (i.e. Ἀθῆναισι) γενομένων συμβολαίων, a statement which is usually taken to refer to 'contracts made at Athens'. But the speaker then gives Satyrus' reasons: ἄλλως

<sup>1</sup> Perhaps a δίκη ἐπιτηρηρχήματος, as believed by Lipsius, op. cit. (in p. 100, n. 5 above), p. 775; cf. Arist. *Ath. Pol.* 52. 2: δίκαι τρηραρχικαί.

<sup>2</sup> We are not concerned here with the question how closely Dionysius' Greek reproduces the Latin original, or with the question whether Roman practice in this field was more influenced by the Greeks or by the Etruscans and Carthaginians (cf.

Arist. *Pol.* 1280<sup>a</sup>36-40; and see F. W. Walbank, *Comm. on Polyb.* i. 337 ff., esp. 346). Even if the text bore little relation to the original, it would provide some evidence of Hellenistic legal practice.

<sup>3</sup> This misunderstanding dates from at least the time of M. A. von Bethmann-Hollweg, *Der römische Civilprozess*, i (1864), 67-68.

<sup>4</sup> *Econ. Survey of Ancient Rome*, i. 8.

τε καὶ μὴ παρόντος τούτου (i.e. Pasion) μηδὲ μέλλοντος ποιήσῃν ἃ ἐκεῖνος δικάσειεν. It was the impossibility of giving an effective judgment in the absence of the real defendant which was the decisive factor. In this connexion, again, τῶν ἐνθάδε γενομένων συμβολαίων surely means 'disputes which had arisen here' rather than 'contracts made here'. If the parties had been present at Panticapaeum, Satyrus would not have hesitated to give judgment, merely because the original contractual obligation had arisen at Athens. (viii) Finally, it is worth noticing that Aristotle<sup>1</sup> could speak of ἐκούσια συμβόλαια in a way which suggests that he would also have been prepared to use the term ἀκούσια συμβόλαια of non-contractual legal relationships. In another passage<sup>2</sup> he actually does refer to συναλλάγματα of which some are ἐκούσια and others ἀκούσια: the former are all contractual in character, the latter are all what we should call torts or crimes.

3. (a) The standard interpretation of Clause I of the Phaselis decree undoubtedly makes it mainly disadvantageous to the Phaselites, the provision for trial in the Polemarch's court notwithstanding, because the Phaselites would be forced to go to Athens in some cases in which they might have preferred to sue or be sued in their own courts, or elsewhere. It would, of course, be a great disadvantage to be obliged, in all δίκαι ἀπὸ συμβολῶν of a particular category, to go and litigate in another city, because of the waste of time involved (which might be considerable in the case of Athens) and the natural prejudice of the jurors of any city in favour of their fellow citizens. There is a particularly apposite illustration of this in Ps.-Dem. 35, the speech against Lacritus, himself a Phaselite: the speech opens (§§ 1-2) with a general denunciation of Phaselites as habitual contract-breakers, as the πονηρότατοι ἀνθρώπων καὶ ἀδικώτατοι, and as being responsible for more lawsuits at Athens than all other Greeks and βάρβαροι put together.<sup>3</sup> But is it not in the highest degree unlikely that Athens would have so legislated to the special detriment of Phaselis, one of the most distant members of the Delian League, and therefore one of the least easily controllable?

(b) In lines 10-11 we can only read καθάπερ X[ίους]: this restoration is plausible on historical grounds, Chios having been responsible for bringing Phaselis into the Delian League,<sup>4</sup> and there seems to be no acceptable alternative.<sup>5</sup> Now if we adopt the usual interpretation of Clause I of the decree, we can hardly avoid taking καθάπερ X[ίους] with Ἀθήνησι as well as with παρ' ἃ τῷ πο]λεμάρχῳ, and translating, as Wade-Gery does, 'shall (as in the case of Chians) be heard at Athens at the Polemarch's tribunal and nowhere else'. But it would be even more difficult to believe that Athens had subjected the Chians, of all people, to specially disadvantageous provisions by the date of this decree; and this observation has even greater force if we put the decree as early as the 460's. Are not the 460's too early a date for such a far-reaching development of the Athenian ἀρχή? Wade-Gery<sup>6</sup> speaks of 'judicial hegemony'; but this would be outright ἀρχή.<sup>7</sup>

<sup>1</sup> *Eth. Nic.* 1164<sup>b</sup>13. Cf. Plato, *Rep.* 556 a.

<sup>2</sup> *Eth. Nic.* 1131<sup>a</sup>1-9. See the remarks of A. R. W. Harrison, in *J.H.S.* lxxvii (1957), 42 ff., at p. 45.

<sup>3</sup> Of course we must not take seriously (as, for example, does Tod, in his notes on the Phaselis decree) these *ex parte* statements, made purely to create prejudice. The only conclusion we can safely draw is that at the

date of the speech, i.e. about the 340's B.C., a large number of Phaselites were trading at Athens, and that they had recently been figuring in a number of lawsuits.

<sup>4</sup> *Plut. Cim.* 12. 3-4.

<sup>5</sup> Bannier's καθάπερ X[ίους] has rightly found no favour.

<sup>6</sup> *Op. cit.* (in p. 100, n. 1 above), p. 192.

<sup>7</sup> The only actual evidence of the exercise

(c) These difficulties do not arise under Hopper's interpretation, in which the decree becomes entirely a privilege for Phaselis, with the possible exception of lines 14-15 (Wade-Gery's Clause III). The decree opens (lines 5-6) with the words, τοῖς Φασηλίταις τὸ ψήφισμα ἀναγράφαι, a phrase which surely suggests that the Phaselites are going to be granted a favour. As for the concluding formula, providing that the decree is to be inscribed on a stone stele τέλεισι τοῖς τῶ[ν Φασηλιτῶν], the Phaselites had evidently asked for the decree to be inscribed on stone, and the Athenians had granted the request on condition the beneficiaries paid for the inscription, as they often did in the case of honorary decrees.

(d) There is great emphasis in the decree on the provision that the Polemarch's court is to be the sole tribunal for cases involving Phaselites: we may note lines 15-19 (Wade-Gery's Clause IV)—with which we must surely take lines 19-22 (Clause V), visiting anyone who 'transgresses against what has been decreed' with a very heavy fine of ten thousand drachmae, since the most obvious offender would be precisely the 'other magistrate' (of Clause IV) who had unlawfully accepted one of these cases.

(e) In the 340's, as we have seen, individual Phaselites were conspicuously active in trading at Athens. If this were so a century earlier, as is very likely,<sup>1</sup> it provides a good reason why Athens should grant privileges to Phaselites, rather than put them at a disadvantage. At Athens, like all Greek states, merchants were always welcome,<sup>2</sup> and it would be entirely in Athens's interest to encourage Phaselite traders to come to the Peiraeus. The Phaselite merchants would be distinctly less likely to want to do business with Athenians if they knew that in the event of a dispute they might be summoned back to Athens.

4. The usual interpretation of the Phaselis decree sees it as applying the rule, *actio sequitur forum contractus*. Now I know of no evidence that this entirely inappropriate rule was ever applied in antiquity in lawsuits between the citizens of two different states, any more than it is in modern times. (I shall discuss in Appendix B the one passage, namely Ps.-Dem. 34. 43, which does at first sight appear to provide such evidence.) How inappropriate the rule is in such cases has evidently not been seen by those who support the standard interpretation of Clause I of the Phaselis decree. From some personal experience of modern legal practice, I would say this: common sense requires, as soon as one actually comes to deal with such cases, that the plaintiff must have the right to sue wherever he wants to, and that he will want to sue in that place where he can get the most effective remedy—usually the courts of the state where the defendant is living, because there alone, as a rule, can he get effective execution of any judgment the court may pronounce. If a Milesian, for instance, had a claim against a Samian, then in the absence of special circumstances (e.g. if

of the Athenian ἀρχή in the judicial sphere, before the Chalcis and Miletus decrees (p. 107 below, and D 11 in *A.T.L.* ii, 57-60) is the Erythrae decree (D 10 in *A.T.L.* ii, 54-57 = *I.G.* i<sup>2</sup>, 10-11 and 12/13a), now dated with considerable probability to 453/2. It is true that the permission given in lines 29-32 to the Erythraean courts, of exiling a homicide from the whole area of the Athenian alliance, would have to be enforced by Athens, if the citizens of a state in which such an exile took refuge snapped their fingers at the Ery-

thraeans. But claiming to expel an occasional homicide, in accordance with the decision of an allied court, is a very different matter from insisting on the transfer to Athens of a whole class of lawsuits.

<sup>1</sup> Thuc. 2. 69. 1 provides evidence that c. 430 Phaselis was at least an important port of call for merchants trading with the Aegean, if not the actual home of such merchants.

<sup>2</sup> Xen. *de Vect.* 3. 3-5; Hipparch. 4. 7; Isocr. 8. 21; cf. Plut. *Lysand.* 3.

the Milesian had lent money on a bottomry bond and the ship was actually at Miletus) he would *want* to go to Samos, because only there could he get effective judgment, with execution against the defendant's property. Many writers, including Busolt-Swoboda and Lipsius,<sup>1</sup> have believed that it was a general rule in the Greek world that a man sued in the courts of the defendant's state (*actio sequitur forum rei*). The direct evidence is very slight: there seems to be nothing but a single inscription of the last century B.C.,<sup>2</sup> dealing with the relations between Sardis and Ephesus; but I would certainly accept the rule as a general principle (as I have said, I think it lies behind Thuc. i. 77. 1), although I believe many exceptions may have been dictated by practical convenience.<sup>3</sup> Under the Roman Empire, certainly, the general rule was *actio sequitur forum rei*, and a defendant had normally to be sued at his place of domicile.<sup>4</sup> As far as I can discover, the modern expression *forum contractus* is not used at all by the Roman lawyers; and even when the place *ubi quisque contraxerit* is given as an alternative tribunal to the place *ubi domicilium habet*,<sup>5</sup> we are then told that this alternative tribunal is not the place where the contract was entered into but the place where it had to be performed.<sup>6</sup> In the modern world, it is broadly true to say that the courts of England and of most other countries will not even consent to try a case unless they have effective jurisdiction—that is to say, unless the property which is the subject-matter of the dispute is within their area, or the defendant can be made subject to their jurisdiction or submits himself to it.<sup>7</sup> What possible reason could a Greek court have for behaving differently, and in effect wasting its time?

5. There is another implication of the standard interpretation of the Phaselis decree which its proponents have evidently not realized: that Athens, *before the date of this decree*, had made all the judgments of her courts in *δικαί ἀπὸ συμβολῶν* automatically enforceable by execution against persons and property in allied states, without its being necessary for the plaintiff to go before the courts of those states. The point is that it would actually be disadvantageous to Athenians to be obliged to proceed against Phaselites in an Athenian court, simply because the contract had been made at Athens, unless, armed with their Athenian judgment, they could then go and get it enforced at Phaselis or wherever else they wished, without being obliged to have the whole case tried over again in the courts of the state in which they were seeking to enforce the Athenian judgment. In the absence of such a general Athenian decree, an Athenian who had, for example, lent money to a Phaselite under a bottomry bond,<sup>8</sup> wherever made, and was claiming under a breach of it, would have no

<sup>1</sup> Lipsius, op. cit. (in p. 100, n. 5 above), p. 966; Busolt-Swoboda, op. cit. (in the same note), p. 1244, n. 3 (on p. 1245).

<sup>2</sup> *O.G.I.S.* ii. 437, III C, lines 57–59: δι[κ]αί εσθαι τὸν ἀδικ[ο]ύμενον κατὰ τὰ προγεγραμμένα ἐν [τ]ῇ [τ]οῦ ἀδικοῦντος πόλει.

<sup>3</sup> There remains that notoriously difficult passage, Ps.-Dem. 7. 13, on which see Appendix C.

<sup>4</sup> *Cod. Just.* 3. 19. 3; cf. 3. 13. 2; 3. 22. 3; *Fr. Vat.* 325, 326, etc. For criminal cases, see *Cod. Just.* 3. 13. 5. *pr.*; 3. 15. 1.

<sup>5</sup> *Dig.* 42. 5. 1–3.

<sup>6</sup> *Id.* 3: 'contractus autem non utique

eo loco intelligitur, quo negotium gestum sit, sed quo solvenda est pecunia.' Cf. *id.* 5. 1. 19. 4.

<sup>7</sup> Only if it does entertain the action is the English court then confronted with the often difficult question: what is the *lex causae*—i.e. in a case founded on contract, what is the 'proper law' of the contract? See G. C. Cheshire, *Private International Law*<sup>8</sup>, chap. iv, esp. pp. 104 ff., and chap. viii, pp. 205 ff. But this problem does not arise in relation to the Phaselis decree. And cf. Appendix C.

<sup>8</sup> It is not certain that bottomry (or respondentia) bonds existed in the Greek world as early as the second quarter of the fifth

desire to proceed in the Athenian courts unless the ship happened to be at Peiraeus and he could have it attached—otherwise, he would normally have to follow the borrower to Phaselis, or try to have the ship seized wherever it might be, if that were practicable.<sup>1</sup> As we shall see in Part II of this paper, Athens must have made the judgments pronounced in her courts in at least certain kinds of *γραφαί* enforceable throughout her Empire, by the second half of the fifth century at any rate, and perhaps even earlier. And in the period of the full *ἀρχή*, that is to say from about the time of the Peace of Callias onwards,<sup>2</sup> Athens must have stipulated for the same status, i.e. automatic validity throughout the Empire, to be accorded even to certain of her judgments in ordinary *δίκαι*: this also seems certain, for reasons which will become apparent in due course. It cannot be proved that Athens did not arrogate to her own courts even wider powers, in the second quarter of the fifth century: if she had wanted to do this, she could even perhaps have got a League *σύνδοξ* to authorize it. But it seems unlikely in the extreme that she ever claimed automatic and universal validity for the judgments of her courts in *δίκαι ἀπὸ συμβολῶν*, let alone as early as the 460's, if only because had she done so her citizens would presumably have brought all their suits *ἀπὸ συμβολῶν* in Athenian courts,<sup>3</sup> and this is contrary to the interpretation given above of Thuc. 1. 77. 1.

6. Another odd result follows from the usual interpretation of Clause I: if the contract was not made at Athens, but a Phaselite plaintiff wanted to sue there (as he normally would, if he were suing an Athenian citizen or metic), or if a Phaselite plaintiff wished to bring at Athens a case not founded in contract (that is to say, not only a *δίκη* for what we should call a tort but also *any kind of γραφή*), he would not be able to proceed in the Polemarch's court—for it is a natural inference from Clauses I and II of the decree together (lines 6–14) that it cannot already have been the rule under the existing *συμβολαί* between Athens and Phaselis that cases heard under them at Athens should go before the Polemarch. The provisions of the decree then appear curiously restricted in scope. That this has not been generally realized is doubtless due to the widespread misconception, to which I have already alluded, that *δίκαι ἀπὸ συμβολῶν* must have been predominantly 'commercial suits', founded in contract.

It has been suggested to me that the second occurrence (lines 8–9) of the word *Ἀθ[ν]η[ν]αί[σ]ι*, on the interpretation I have given, is unexpected and unnecessary. I do not think so. The wording of Athenian decrees, of course, may often puzzle us—even the Chalcis decree (*I.G.* i<sup>2</sup>. 39 = Tod, i<sup>2</sup>. 42), almost every letter of which is legible, is so badly drafted that parts of it (lines 4–10 and

century, although my guess is that they did. The earliest evidence known to me is *Lys.* 32. 6–7, 14, referring to the year 409. The language used by the speaker seems to me to show that by the time the speech was delivered (i.e. about the turn of the century) bottomry was a familiar institution at Athens. If it was being widely employed as early as the 460's, then many of the *contractual δίκαι ἀπὸ συμβολῶν* between Athenians and Phaselites at that time may well have arisen out of such loans made by Athenians to Phaselite merchants.

<sup>1</sup> To the best of my belief, we do not know

whether a plaintiff belonging to a city X could proceed against a defendant of city Y in the courts of a third city, Z. It may well have been possible, if *συμβολαί* existed between X and Z, though perhaps not otherwise, as a rule.

<sup>2</sup> I would take the appearance of some form of the expression *ἐν τῶν πόλεων ἐν Ἀθηναίοις κρατοῦσιν*, not later than the early 440's (see, for example, *S.E.G.* x. 19. 14–15; 23. 8–9), as evidence of the completion of the *ἀρχή*.

<sup>3</sup> The reason for this should be quite clear from para. 4 above, pp. 105–6.



52-57, for instance) have been the subject of a great deal of disagreement among scholars. But is there not a good reason for the second *Ἀθήνησι*? A *συμβόλαιον* (as I have defined that expression) might 'arise at Athens', in the sense that both parties were present there when a dispute occurred and a lawsuit became imminent, and yet the Athenian, let us say, might prefer to bring his action not at Athens but at Phaselis, for the reasons explained on pp. 105-6 above. Hence we need not be surprised that the framers of the decree should wish to make it perfectly clear that if one of these *συμβόλαια* 'arose at Athens', the action, '(if brought) at Athens', was to be tried in the Polemarch's court. An alternative restoration in lines 6-7, proposed by Luria,<sup>1</sup> namely *Ἀθ[ηναίω]* instead of *Ἀθ[ήνησι]*, makes nonsense of lines 11-14 of the decree (Wade-Gery's Clause II): the document is concerned with relations *ἀπὸ συμβολῶν* between Athenians and Phaselites, and *all* such cases would, if we read *Ἀθ[ηναίω]* in lines 6-7, be covered by Clause I.

I have nothing new to say about the enigmatic sentence in lines 14-15, Wade-Gery's Clause III, which Hopper<sup>2</sup> would treat as a *locus insanabilis*. I am not entirely happy about the restoration [*ἐκκλητ[ο]σο[ς]*], but I think we must accept it, in the absence of a reasonable alternative. We must surely follow Wade-Gery<sup>3</sup> in declining to draw any conclusions from this Clause. We cannot tell what the situation existing at the date of the decree was in regard to appeals, or what the precise nature of the innovation was, and we have no means of telling whether the provision was favourable or detrimental to the Phaselites.

The remaining sources for *δίκαι ἀπὸ συμβολῶν* under the Athenian Empire do not require detailed discussion, apart from Ps.-Dem. 7. 9-13, which is dealt with in Appendix C. These sources are conveniently listed in the Meiggs-Andrewes edition of Hill's *Sources*, Index III. 6. 3 (p. 357) (cf. Thuc. 1. 37. 3). None of them suggests that *δίκαι ἀπὸ συμβολῶν* in the Athenian Empire were governed by special rules.

The conclusion to which we are ultimately driven, then, is that the Athenian *ἀρχή* brought about no noticeable difference in the trial of *δίκαι ἀπὸ συμβολῶν* between Athenians and allies. Athens simply let these lawsuits take their normal course, the course they would have taken had there been no Athenian *ἀρχή*. However, we shall see in Part III of this paper that certain lawsuits which would ordinarily have been tried in the courts of allied cities were compulsorily transferred to Athens, or (more probably) that provision was made for appeal to Athens in these cases. It will become evident that the vast majority of the suits in question would not be *δίκαι ἀπὸ συμβολῶν* between Athenians and allies, and that the only *δίκαι ἀπὸ συμβολῶν* which could have been affected would be certain *γραφαί* involving particularly severe penalties—probably a very small proportion of the whole volume of *δίκαι ἀπὸ συμβολῶν* between Athenians and allies.

## APPENDIX A

(see p. 95 above)

Among the few surviving treaties, or references to treaties, of the nature of *συμβολαί*, I know of no evidence which suggests that the *συμβολαί* in question

<sup>1</sup> S. Luria, in *Vestnik Drevnei Istorii*, xx (1947, no. 2), at p. 21 and n. 3. (I have relied mainly upon a translation.)

<sup>2</sup> Op. cit. (in p. 101, n. 5 above), p. 42.

<sup>3</sup> Op. cit. (in p. 100, n. 1 above), pp. 189-92.



were mainly concerned with contractual disputes, let alone strictly 'commercial' ones.

If we limit ourselves to Athens, we have, as far as I know, apart from the Phaselis decree, only an inscription of the second quarter of the fourth century, relating to Naxos (*I.G.* ii<sup>2</sup>. 179), and a group of inscriptions conveniently discussed together by A. G. Woodhead in *Hesperia*, xxvi (1957), 221-33, nos. 84-87 (*S.E.G.* xvii. 17-20).

1. The decree about Naxos, *I.G.* ii<sup>2</sup>. 179, is called *σύμβολα*, reasonably enough, in Kirchner's heading in the Corpus. It is quite long, but so fragmentary that one can conclude little more than that it deals with judicial matters. There is nothing to tell us what kind of suits were contemplated, except perhaps in fragments *a* 21 and *c* 8, where the words *πληγαί* and *[ἀ]γωγίμους* suggest something more serious than contractual cases.

2. The most important inscription of Woodhead's group is the long but fragmentary decree relating to Troezen: this is *I.G.* ii<sup>2</sup>. 46, but the text must be read as enlarged and amended by Woodhead (pp. 225-9, no. 85), and by D. M. Lewis, in *Hesp.* xxviii (1959), 248-50 (see *S.E.G.* xvii. 17). I would follow Wilhelm and Lewis in dating the inscription to the early years of the fourth century. It is worth noticing that fr. *b*<sup>1</sup> 39 reads [-*συ*]μβολὰς τάσδε, and the heading is restored as *[σύμβολα Ἀθηναίων καὶ Τρο]ζηνί[ν]*. I see not a line in the inscription that is likely to relate specifically to contractual dealings, whereas there is obviously a great deal about torts and crimes: see fr. *b**dm* (Woodhead, p. 228; cf. Lewis, p. 249) 15: *ἐκτυφλ[ώση]*—; 19: [...*ἀ*]ποτομήs; 20: *ἀποκόψῃ*; fr. *aA* 13: *τρώσῃ*[—]; fr. *g* 15: [—*ὀφθ*]αλμὸν ἐκκόψῃ; 19: [—*πατ*]άξῃ; 20: [—*χ*]ωλὸν ποι[ήσῃ]—; fr. *b*<sup>1</sup> 34: [—*ἐὰν ἀποκτ*]εῖνῃ ἐκ; 36: *ἀποκτεν*[—]; fr. *n* 72: [—*ἐπ'* αὐτ]οφώρῳ[—]; 74: perhaps [—*μαστιγού*]σθαι *τριά[κοντα πληγὰς]*—; fr. *aB* 6: *βλάψῃ*[—].

3. Another very mutilated inscription in Woodhead's group is *I.G.* ii<sup>2</sup>. 144 (second quarter of the fourth century), which he is now able, with the aid of a new fragment (*S.E.G.* xvii. 18), to identify as a treaty with Stymphalus in Arcadia (pp. 221-5, no. 84). The fragments from the reverse of the stone (which include *i* and *k*) come from a different decree, perhaps having some connexion with the document on the front face. Fr. *k* 4-5 admittedly deals with homicide. Woodhead thinks that 'debts and the exactions thereof' seem to be in question in fr. *i* and perhaps *bA*; but I can see nothing of this in *bA*, and although *i*, as recently restored by G. A. Stamires (in *Πολέμων*, v. 4 [1955], 153-7; *S.E.G.* xv. 91), does contain the expressions [—*εἰς*]πραττό[ντων]—, [—*ὀφε*]λόντων τὸ *δ[γ]δοον*(?)—, and [—*αὐτ'*]ὅς *ὀφείλετω* τὸ [—], the imperatives suggest to me that the reference is much more probably to fines.

4. The inscription relating to Siphnos (Woodhead, pp. 231-3, no. 87; *S.E.G.* xvii. 19), of which very little remains, may not be a document of the same character as the others. The restorations are very uncertain indeed, and the only relevant words, apart from *ἄδικίας* in 5, are *ὡς δ' ἂμ μηδὲς ἀποθ[άνη]* *Ἀθηναί[ω]ν ἄκριτος, ἀντισ*[—], in 12-13.

5. Woodhead's remaining inscription (pp. 229-31, no. 86; *S.E.G.* xvii. 20) relates to an unknown city, perhaps Cydonia in Crete. It is certainly concerned with jurisdiction, but there is no indication of the type of case foreseen.

Such of the fragments of these decrees as are intelligible, then, with the possible exception of fr. *i* of no. 3, show concern not with contractual suits but with what we should call actions in tort or for crime. Of anything that might

be called 'commercial' suits there is no sign. This does not suggest, of course, that 'commercial' suits were not foreseen at all, but it does suggest that they were by no means the principal concern of these *συμβολαί*.

## APPENDIX B

(see p. 105 above)

It is necessary to say a few words about one particular passage which might suggest at first sight that Greek courts accepted the formula, *actio sequitur forum contractus*: Ps.-Dem. 34 (c. Phorm.). 43, with 45. Chrysippus, the speaker, has just quoted, in § 42, the law defining the scope of *δίκαι ἐμπορικαί*, which is then read out. In § 43 he asks the dicasts, 'To what court could we go, if not to that of Athens, οὐπερ τὸ συμβόλαιον ἐποιησάμεθα?'; and in § 45 he speaks of the laws as ordering (*κελεύουσι*) τῶν Ἀθήνησι συμβολαίων τὰς δίκας εἶναι κτλ. (cf. also §§ 27, 42).

Now we cannot be at all certain of the wording of the laws in question, which are quoted differently in different speeches: Dem. 32. 1; Ps.-Dem. 33. 1; 34. 4, 42, 43, 45. Undoubtedly disputes arising out of voyages to or from Athens (see 32. 1; 33. 1; 34. 4, 42) could become the subject of *δίκαι ἐμπορικαί*, though sometimes, perhaps, only if special conditions were fulfilled—a bottomry or respondentia contract would apparently have to be evidenced by a *συγγραφή* (32. 1, etc.). But there also appears from 34. 42 (cf. 4, 43, 45) to have been some such form of words in the law as *τὰς δίκας εἶναι τὰς ἐμπορικὰς τῶν συμβολαίων τῶν Ἀθήνησιν*. On this I have two things to say. First, if the word *συμβόλαια* was used in this way, I would expect *τὰ συμβόλαια τὰ Ἀθήνησιν* to mean 'disputes arising at Athens' rather than 'contracts entered into at Athens'. And secondly, even if the law did have the latter meaning, the clause could only have been permissive, not mandatory: i.e. a plaintiff could (not 'must') bring a *δίκη ἐμπορικὴ* at Athens if the conditions were fulfilled; he might want to go elsewhere, and would if neither the defendant nor any of his property were within the jurisdiction of the Athenian courts—now (in the 320's) certainly not able to enforce their judgments far and wide. If the procedure in question had really been obligatory, then prospective Athenian plaintiffs whose opponents, with their property, were outside the jurisdiction would often have been denied justice in the late fourth century, when Athens's writ did not run far outside her borders. Chrysippus and his partner would have been obliged to go to the courts of another state if the defendant had not come back to Athens. It was the presence of the defendant which really made Athens the appropriate forum, not the fact that it happened to be *locus contractus*: § 43 of the speech, insisting that Athens is the natural place of trial because the contract was made there, is simply clever rhetoric, part of an attempt to counter Phormio's *παραγραφή*.

Ps.-Dem. 32. 18 is cited as evidence of the *actio sequitur forum contractus* rule by various modern writers; but all we see here is one party challenging another to transfer the case to the courts of a city (Syracuse) where certain disputed events had occurred, and the challenge was refused.

## APPENDIX C

(see n. 3 on p. 106 above)

Many scholars have discussed the reference to *δίκαι ἀπὸ συμβόλων* in Ps.-Dem. 7 (*Halon.*), 9-13. In my opinion, no satisfactory explanation has been offered, except by A. R. W. Harrison, in *C.Q.*, n.s. x (1960), 248-52. I entirely agree with his conclusions, even if I would prefer to argue the case rather differently, and in particular leave open the possibility that by no means all the law-suits concerned may have arisen out of contract. With Harrison, I would put all the emphasis upon *σύμβολα ποιησαμένους*, not *πλεῖν*, and translate: 'Yet even though no such suits existed then, there was nothing to be gained by making a *treaty* to regulate the procedure of Macedonians who came to sue in Athens and Athenians who went to sue in Macedon, but we sued under the existing law of Macedon and they under the existing law of Athens.'

It is inconceivable to me that a fifth- or fourth-century Athenian court, composed of amateur dicasts without a legally trained judge or any professional lawyers to guide them, or for that matter a Macedonian court, should ever have applied any law except its own. (Even if both parties agreed to accept, for instance, the law of the plaintiff's state, how would the details of that law be ascertained in the event of a dispute about them?) If we take *δίκας ληψομένους* and *τὰς δίκας ἐλάμβανον*, as we must, in the restricted sense of 'suing' (i.e. being a plaintiff, not 'litigating' in general), and remember that virtually all cases would be tried in the courts of the defendant's state (see pp. 105-6 above), we can see that the words *ἀλλ' ἡμεῖς τε τοῖς ἐκεῖ νομίμοις ἐκείνοι τε τοῖς παρ' ἡμῖν τὰς δίκας ἐλάμβανον* have an acceptable meaning: the Athenian taking action in a Macedonian court sued according to Macedonian law, and vice versa.

If the speaker can be trusted—and his statement in § 12 that Macedon paid tribute to Athens in the fifth century is thoroughly dishonest—the passage affords some direct evidence for what we should have surmised anyway: that Greek states, or some of them, did not entirely deny access to their courts to foreigners belonging to states which had not entered into *συμβολαί* with them.

## ADDENDUM

(see n. 1 on p. 99 above)

The interpretation of Thuc. 1. 77. 1 suggested by Professor Wade-Gery is entirely new, as far as I am aware. It is obtained by punctuating the passage as follows: *καὶ ἐλασσούμενοι γὰρ ἐν ταῖς ξυμβολαῖαις πρὸς τοὺς ξυμμάχους δίκαις καὶ παρ' ἡμῖν αὐτοῖς, ἐν τοῖς ὁμοίοις νόμοις ποιήσαντες τὰς κρίσεις, φιλοδικεῖν δοκοῦμεν*, so that *καὶ παρ' ἡμῖν αὐτοῖς* goes closely with *ἐλασσούμενοι*. The sense is then: 'We waive the natural advantages of power in our litigation with our allies, even in our own courts (having made those courts impartial); and for this they call us *philodikoi*.'

As Wade-Gery himself has said, in his letter to me, the substance of the argument I have developed above is hardly affected, except that Thucydides will now be saying nothing about the Athenians' 'receiving less than their due' in allied courts.

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## ADDENDUM

(see n. 1 on p. 99 above)

The interpretation of Thuc. 1. 77. 1 suggested by Professor Wade-Gery is entirely new, as far as I am aware. It is obtained by punctuating the passage as follows: *καὶ ἐλασσούμενοι γὰρ ἐν ταῖς ξυμβολαίαις πρὸς τοὺς ξυμμάχους δίκαις καὶ παρ' ἡμῖν αὐτοῖς, ἐν τοῖς ὁμοίοις νόμοις ποιήσαντες τὰς κρίσεις, φιλοδικεῖν δοκοῦμεν*, so that *καὶ παρ' ἡμῖν αὐτοῖς* goes closely with *ἐλασσούμενοι*. The sense is then: 'We waive the natural advantages of power in our litigation with our allies, even in our own courts (having made those courts impartial); and for this they call us *philodikoi*.'

As Wade-Gery himself has said, in his letter to me, the substance of the argument I have developed above is hardly affected, except that Thucydides will now be saying nothing about the Athenians' 'receiving less than their due' in allied courts.

Since I have not had an opportunity of discussing the passage with Wade-Gery, I have merely given his interpretation (with his very generous permission) and will leave him to develop it elsewhere. It is certainly simpler, and I can see no decisive argument against it; but at present I still prefer the interpretation I have given above, for the following reasons.

First, Wade-Gery says in his letter, 'The scholiast is dead right about ἐλασσοσύμενοι: it is the opposite of πλεονεκτοῦντες, and means "waiving our natural right (sc. the right of the stronger)"'. Now on Wade-Gery's interpretation this forbearance, for which the Athenians think they deserve praise, is shown (as the καὶ of καὶ παρ' ἡμῶν αὐτοῖς proves) in two different spheres: at Athens, and abroad. At Athens it is displayed by making the courts impartial as between citizen and foreigner; abroad it is displayed by submitting to trial in foreign courts—as regards the fairness or unfairness of which, on this interpretation, the Athenians are saying nothing. The forbearance for which the Athenians are claiming credit, then, is shown by (a) giving impartial justice in their own courts (when they might have discriminated against foreigners), and (b) submitting to trials in foreign courts. But is not (b) a decidedly more remarkable example of 'waiving the right of the stronger' than (a)? Indeed, is (a) an example of 'waiving the right of the stronger' at all, as (b) certainly is? Why then should the stress be upon (a)?

Secondly, since *philodikia*, 'loving litigation', will in the great majority of cases (see p. 99 above) be shown by bringing actions, as plaintiffs, the charge of being *φιλόδικοι* is distinctly less appropriate in regard to *δίκαι ἀπὸ συμβολῶν* heard at Athens, where Athenians would have been defendants in a much higher proportion of the suits than in foreign courts (see pp. 105-6 above).

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## GORGIAS, ALKIDAMAS, AND THE CRIPPS AND PALATINE MANUSCRIPTS

### I

OUR texts of the two complete extant works of Gorgias (*Helen* and *Palamedes*) and of the two attributed, rightly or wrongly, to Alkidamas (*Odysseus* and *On Sophists*) are derived entirely from two manuscripts. The one generally known as A is the Cripps manuscript (Burney 95), now in the British Museum, which is a principal authority also for Antiphon, Andokides, Isaios, Lykourgos, and Deinarchos; it contains *Helen*, *Palamedes*, and *Odysseus*, but not *On Sophists*. The other, known as X, is the Palatine manuscript (Heidelberg 88), which is the principal manuscript of Lysias; it contains *Helen*, *Odysseus*, and *On Sophists*, but not *Palamedes*. It has long been universally agreed that all other surviving manuscripts (which I refer to as 'apographa' or 'ap.') containing any of these four works are derived from either A or X, and therefore have no value (except that they occasionally contain intelligent conjectures).

*Helen* and *Odysseus* are the only works common to A and X. Most editors of these two works have tended to prefer A to X, but without giving clear reasons for their preference. On the other hand, O. Immisch, whose edition of *Helen* was published in 1927, gave the prize to X. J. Sykutris, in *Gnomon* iv (1928), 11-18, showed that the basis of Immisch's view was unsound, but put forward no positive view of his own, leaving his readers to conclude that neither manuscript was superior to the other.

This article has two purposes. First I try to show that in *Helen* and *Odysseus* there is at least one important difference in character between A and X, resulting probably from a difference in the manner in which two copyists approached their task; and I suggest ways in which this conclusion may be relevant to textual studies of the other works contained in these two manuscripts. Secondly I offer comments or suggestions for a number of passages, taken from all four works of Gorgias and Alkidamas, where I believe that the readings adopted in the editions in current use are unsatisfactory.

Quotations from Gorgias are made from Diels-Kranz, *Die Fragmente der Vorsokratiker*<sup>9</sup> (1959), ii. 288-303; quotations from Alkidamas are from F. Blass, *Antiphontis Orationes*<sup>2</sup> (Teubner, 1881), 183-205. For readings of X I have relied on the apparatus critici of these editions; readings of A I have checked in the manuscript myself. Throughout I refer to the author of *Odysseus* and *On Sophists* as 'Alkidamas'; it is in fact far from clear whether Alkidamas wrote both or either, but the authorship is not relevant to the problems I discuss here.

### II

It is my belief that the scribe of X was prone to a particular type of carelessness of which the scribe of A was not guilty. (For the sake of brevity, in sections II-IV I attribute this carelessness to 'the scribe of X'. But it may equally well be due to a predecessor whose mistakes the scribe of X has copied; and I discuss this possibility in section V.) Consider first the following passages.

Gorgias, *Helen* 7: ἀξίος οὖν ὁ μὲν ἐπιχειρήσας βάρβαρος βάρβαρον ἐπιχειρήμα καὶ

λόγῳ καὶ νόμῳ καὶ ἔργῳ λόγῳ μὲν αἰτίας, νόμῳ δὲ ἀτιμίας, ἔργῳ δὲ ζημίας τυχεῖν.

καὶ νόμῳ καὶ λόγῳ καὶ ἔργῳ, νόμῳ μὲν ἀτιμίας λόγῳ δὲ αἰτίας X.

There is no doubt that A's order is the right one. The first trio of datives is to be taken with ἐπιχειρήσας. (It does not go with βάρβαρον, as has sometimes been thought; if Gorgias had meant this he would have placed it next to βάρβαρον, writing perhaps βάρβαρος ἐπιχειρήσας ἐπιχείρημα βάρβαρον καὶ λόγῳ . . . .) Compare the oath quoted in And. 1. 97: κτενῶ καὶ λόγῳ καὶ ἔργῳ καὶ ψήφῳ. . . . The datives describe means by which a barbaric action may be carried out: ἔργῳ is by performing it oneself; λόγῳ, by instructing someone else to do so; νόμῳ means that one may make a law requiring it to be done (compare ψήφῳ in And. 1. 97). But this 'law' alternative is inept. Paris did not carry off Helen by making a law; a barbarian monarch might make a law ordaining a barbaric act, but could hardly suffer legal disfranchisement (νόμῳ δὲ ἀτιμίας) as a consequence; a member of a democracy might propose a law ordaining a barbaric act, and afterwards suffer disfranchisement, but a member of a democracy would not himself be a barbarian. So clearly Gorgias has included νόμῳ in the first trio solely because he wants to include it in the second trio; as often, he insists on having a verbal balance, regardless of whether the sense justifies it. But it is incredible that he should place the inept member of the trio at the beginning; he will have chosen for it a less obvious position in the list. His manner is to begin a balanced expression with something that makes sense, and then to complete the balance, if necessary, with something less sensible.

Now, granted that A's order is right, how does it happen that X's order is different? It cannot be the result of deliberate conjecture, since there is nothing in A's order to suggest that conjecture is required. It must be by carelessness; but carelessness of a particular kind. The scribe of X is, I suggest, not one who laboriously copies one word at a time and then looks back to his exemplar to read the next. No; he reads a whole sentence (or at least a long phrase) at a time, understands it (at least superficially), and then writes it all down; but unfortunately some words have time to change places in his memory between the reading and the writing.

Gorgias, *Helén* 10: αἱ γὰρ ἐνθεοὶ διὰ λόγων ἐπωδαὶ ἐπαγωγοὶ ἡδονῆς, ἀπαγωγοὶ λύπης γίνονται.

ἐπωδαὶ A: ἡδοναὶ X.

A is clearly right. X's scribe's thoughts are already running on to the next word but one—another indication that he reads whole phrases at once, not single words.

Gorgias, *Helén* 17: πολλοὶ δὲ ματαίοις πόνοις καὶ δειναῖς νόσοις καὶ δυσίατοις μανίαις περιέπεσον.

ματαίαις νόσοις καὶ δεινοῖς πόνοις X.

Editors have thought that in A δεινοῖς was at first written, and afterwards corrected to δειναῖς. I have looked at this in the manuscript, and I am uncertain whether there is any correction here. But even if there is, it is of no significance, since it is clear from other evidence that the scribe of A made such corrections by checking his copy against his exemplar, not by conjecture. See

J. Sykutris in *Philologische Wochenschrift* xlvii (1927), 862 note 3; and compare the 'Note on the Manuscript and Text' in my forthcoming edition of Andokides *On the Mysteries*.

A's order is the right one. It is pointless to mention 'useless diseases' as if some diseases were useful. Again the scribe of X has changed the order of words accidentally (not deliberately; for why should anyone change deliberately the order which appears in A?). He is not an ignoramus, for he has made *ματαιούς* feminine to agree with *νόσοις*, and he has done this from his own knowledge of Greek grammar, not by reference to his exemplar (since if he had referred to his exemplar at this point he would have realized that he was writing the words in the wrong order). The scribe of A, on the other hand, may perhaps be ignorant of Greek grammar, if he at first wrote *δευνοῖς νόσοις*; but he has the saving grace of being a meticulous checker of his copy against his exemplar.

Alkidamas, *Odysseus* 8: δεῖ δέ με καὶ τὰ λοιπὰ διελθεῖν ὡς ἔχει, μηδ' εἰκῇ οὕτως ἄνδρα σύμμαχον περὶ θανάτου κρίνειν.

μηδ' εἰκῇ οὕτως Bekker: μηδ' εἰκὸς οὕτως A: μὴ ἀδίκως X.

Except for a slip over one letter, A has the right reading. The accuser is admitting that so far his accusation (*κρίνειν* of course means 'accuse' here, not 'judge') is incomplete, and he undertakes to complete it by adding more evidence. It is the manner of the accusation that is in question, not its justice; an accusation may be just even if no evidence at all is actually presented. The scribe of X has inadvertently substituted for the correct reading a shorter phrase which may at first glance appear to have the same meaning but in fact does not.

Alkidamas, *Odysseus* 10: οὗτός τε ἐκείνους ἐκείνοί τε τούτῳ πέμποντες.

ἐκείνοι τὲ A: καὶ ἐκείνοι X.

Whichever scribe has made a mistake has done so by remembering the meaning of the whole phrase but not the exact words. *τε . . . τε*, being less common, is more likely to have been inadvertently altered to *τε . . . καὶ* than *τε . . . καὶ* to *τε . . . τε*. Again carelessness in X and meticulousness in A seem more likely than the converse.

Alkidamas, *Odysseus* 13: γνώσεσθε δὲ προϊόντος τοῦ λόγου, τὰς ἀληθείας ἀκούσαντες τῶν γενομένων.

τὰς ἀληθείας ἀκούσαντες τῶν γενομένων A: ἀκούσαντες μετὰ ἀληθείας τῶν τότε γενομένων X.

Choice between these two readings is difficult, but I suspect that X's is impossible. If *τῶν τότε γενομένων* is taken with *ἀκούσαντες*, the genitive has to mean 'about'. There are instances of this use in Homer, but it seems to be impossible in prose authors without *περί*. So it becomes necessary, in X's version, to understand *τὸν λόγον* or *μου* with *ἀκούσαντες*, and to take *τῶν τότε γενομένων* with *ἀληθείας*: 'the facts of the case'. Compare Antiphon 2d. 1: *τῇ τε ἀληθείᾳ τῶν ἐξ ἐμοῦ πραχθέντων*. The trouble with this is that *ἀληθείας* then needs the article *τῆς*. *ἀλήθεια* means 'truth' in general, and *μετὰ ἀληθείας* means 'with truth' or 'truthfully'; 'the facts' of one particular case should be *ἡ ἀλήθεια* (at any rate in prose; there are a few exceptions in verse, e.g. S. Tr. 91).

A's reading, on the other hand, is unobjectionable. (Adequate parallels for the plural *τὰς ἀληθείας* may be found in Liddell-Scott-Jones.) And if A's reading is right, it follows that the scribe of X has substituted for the correct words another phrase which superficially seems to give the same meaning, and has also rearranged the order of words.

Alkidamas, *Odysseus* 21: ὥστε καὶ διὰ ταῦτα δικαίως ἂν μοι δοκεῖ θανάτῳ  
ζημιωθῆναι, εἰ ἄρα γε κολάσασθαι ἄξιόν ἐστι τὸν σοφιστήν.

εἰ ἄρα γε κολάσασθαι ἄξιόν ἐστι A: ἄξιον γὰρ κολάσαι X.

Both versions give virtually the same meaning. Since neither gives superior sense or is more easily intelligible, neither can be a conjecture deliberately designed to replace the other. One version is a paraphrase originating in the mind of a scribe who tried to memorize the whole sentence at once in order to copy it out more quickly, and failed. The replacement in this way of the more elaborate phrase by the shorter and simpler is more likely than the reverse process. So again it seems likely that the scribe of X, though knowledgeable enough to be familiar with the idiomatic expression *ἄξιον γὰρ*, has gone astray through careless haste.

In all the passages discussed so far, in which I have argued that A's readings are superior to X's, the differences between the readings concern whole words, not just individual letters, and in each case both readings make sense, at least on a superficial view. I have found no passages in which the differences between readings are of this type and X's reading is clearly superior to A's. Of course there are places where A has mistakes of other kinds while X preserves the true reading; but what I wish to suggest is not that the scribe of A avoids all mistakes, but that he avoids a particular kind of mistake to which the scribe of X is prone. He copies, I suspect, with laborious slowness, reading one or two words at a time and then writing them down before reading the next words, and without much understanding of what he is copying. Consequently, though he sometimes changes individual letters to produce readings which make little sense (e.g. Gorgias, *Helen* 14 ἔτρεψαν for ἑτερψαν, Alkidamas, *Odysseus* 27 ἀνόητα for ἀνόητα), or makes the kind of mistake which arises from slow writing (e.g. the dittography of αὐτῆς in Alkidamas, *Odysseus* 16; a slow writer is more likely than a fast one to write a word, forget he has written it, and immediately write it again), he does not, as the scribe of X does, rearrange the order of words, or substitute for true readings synonyms and paraphrases which superficially appear correct. The scribe of X writes fast and carelessly, and without afterwards checking what he has written; and these habits give rise not only to rearrangements and paraphrases but also to a much larger number of small omissions than are made in A (e.g. three omissions in the single section Gorgias, *Helen* 15 alone).

### III

Next I give three passages which illustrate in various ways the distinctive features of the two copyists.

Gorgias, *Helen* 6: πέφυκε γὰρ οὐ τὸ κρείσσον ὑπὸ τοῦ ἡσσονος κωλύεσθαι, ἀλλὰ  
τὸ ἡσσον ὑπὸ τοῦ κρείσσονος ἄρχεσθαι καὶ ἀγεσθαι, καὶ τὸ μὲν κρείσσον  
ἡγείσθαι, τὸ δὲ ἡσσον ἐπεσθαι.

ἡσσον X: ἴσον A.

κρείσσονος A: κρείττονος X.

ἡσσον ap.: ἦττον X: ἴσον A.

The scribe of A confuses η and ι, which by his time were pronounced alike; compare And. 1. 71, where he or one of his predecessors corrupts 'Ισοτιμίδης οὐ το εἰς ὅτι μῆδ' ἴσον, making utter nonsense. When he reaches ἥσσον he does not remember that four words ago he wrote ἥσσονος, and evidently does not understand the point which Gorgias is trying to make.

The scribe of X knows that -σσ- and -ττ- are equivalent, and does not care which he writes. That -σσ- is correct here is proved by A's ἴσον.

Gorgias, *Helen* 16: αὐτίκα γὰρ ὅταν πολέμα σώματα [καὶ] πολέμιον ἐπὶ πολεμίοις ὀπλίῃ κόσμον χαλκοῦ καὶ σιδήρου . . .

καὶ del. Blass. ὀπλίῃ X<sup>2</sup>: ὀπλίσει AX<sup>1</sup>: ὀπλισθῇ Blass.

The deletion of καὶ is unnecessary, since the subject of ὀπλίῃ may be an unexpressed 'one', 'anyone', as, for example, in *Palamedes* 25: μανία γάρ ἐστιν ἔργοις ἐπιχειρεῖν ἀδυνάτοις, ἀσυμφόροις, αἰσχροῖς, ἀφ' ὧν τοὺς μὲν φίλους βλάπτει, τοὺς δ' ἐχθροὺς ὠφελήσκει, τὸν δὲ αὐτοῦ βίον ἐπονείδιστον καὶ σφαλερὸν καταστήσει.

The scribe of X understands that ὅταν demands a subjunctive. Since he at first wrote the same word as we find in A, it is clear that the correction is an intelligent conjecture rather than the result of checking against the archetype, which must have had ὀπλίσει. There is no evidence that X was systematically checked against the archetype.

Gorgias, *Helen* 21: ἀφείλον τῷ λόγῳ δύσκειαν γυναικός, ἐνέμεινα τῷ νόμῳ ὃν ἐθέμην ἐν ἀρχῇ τοῦ λόγου· ἐπειράθην καταλύσαι μῶμου ἀδικίαν καὶ δόξης ἀμαθίαν, ἐβουλήθην γράψαι τὸν λόγον Ἑλένης μὲν ἐγκώμιον, ἐμὸν δὲ παίγιον.

τῷ νόμῳ ὃν ἐθέμην X: τῷ μῶμῳ ὃν ἐν ἐθέμην A.

A is not easy to read here; ὃν is written on an erasure, and other letters look like alterations to what the scribe at first wrote; all of which suggests that his exemplar was not easy to read either. The fact that A's final version is nonsense proves that the alterations are due not to conjectural emendation but to a desire to reproduce accurately the reading of the exemplar.

In X we find, once again, a reading which superficially seems to make sense. But it is not right. The whole sentence is a claim that Gorgias has achieved what he set out to do. In the opening sections of *Helen* (ἐν ἀρχῇ τοῦ λόγου) we find a statement of the purpose of the work: ἐγὼ δὲ βούλομαι λογισμὸν τινα τῷ λόγῳ δοῦν τὴν μὲν κακῶς ἀκούουσαν παῖσαι τῆς αἰτίας. . . . This purpose Gorgias now claims to have fulfilled. But νόμῳ does not mean 'purpose', and meanings that it could bear ('rule', 'restriction', and so on) do not suit the context. Read τῇ γνώμῃ ἣν ἐθέμην: 'I have been true to the intention which I stated', 'I have kept to my programme.' Compare And. 3. 21 τίνα γνώμην ἔθεντο; 'what did they propose to do?', and Th. 1. 128. 7 γνώμην ποιούμεαι, 'I intend to . . .'

#### IV

If my picture of the two scribes is correct, we may conclude that in the following passages, in each of which the readings of A and X differ, the difference concerns common words, and both readings make sense, A's version is to be preferred to X's.

Gorgias, *Helen* 2: Ἑλένην, γυναῖκα περὶ ἧς ὁμόφωνος καὶ ὁμόφυχος γέγονεν ἢ τε τῶν ποιητῶν ἀκουσάντων πίστις.

ὁμόφυχος καὶ ὁμόφωνος X.

Gorgias, *Helen* 3: πατὴρ δὲ τοῦ μὲν γενομένου θεοῦ, λεγομένου δὲ θνητοῦ.

λεγομένου δὲ A: τοῦ δὲ λεγομένου X.

Gorgias, *Helen* 4: ἀλκῆς ιδίας εὐεξίαν.

ιδίας A: οἰκείας X.

Gorgias, *Helen* 6: Τύχης βουλήμασι καὶ θεῶν βουλευμασι καὶ Ἀνάγκης ψηφίσμασιν ἔπραξεν ἃ ἔπραξεν.

βουλήμασι A: βουλήματι X.

βουλευμασι A: κελεύσματι X.

ψηφίσμασιν A:

ψηφίσματι X.

It is much more likely that X has turned βουλευμασι into κελεύσματι than that A has done the reverse; and if it is granted that βουλευμασι is right it may then be inferred that the plurals βουλήμασι and ψηφίσμασιν should also be read.

Gorgias, *Helen* 13: τὰ ἀπιστα καὶ ἄδηλα φαίνεσθαι τοῖς τῆς δόξης ὁμμασιν ἐποίησαν.

ἄδηλα καὶ ἀπιστα X.

Gorgias, *Helen* 14: πειθοῖ τινη κακῇ τὴν ψυχὴν ἐφαρμάκευσαν καὶ ἐξεγοήτευσαν.

ἐξεφαρμάκευσαν, καὶ ἐγοήτευσαν A.

Alkidamas, *Odysseus* 4: ἔστι δὲ τὸ πρᾶγμα, ὥς ἂν εἰδῆτε, προδοσία· ἐφ' ἧ δεκαπλάσιαι ζημίαι τῶν ἄλλων εἰσὶν ἐπικείμεναι.

δεκαπλάσια τῶν ἄλλων ζημία ἐστὶν ἐπικείμενη X.

Alkidamas, *Odysseus* 4: ἐμοὶ καὶ τούτῳ οὐδεμία πώποτ' ἐχθρα οὐδ' ἔρις ἐνεγένετο περὶ οὐδενὸς χρήματος.

ἐνεγένετο A: ἐγένετο X.

χρήματος A: πράγματος X.

Alkidamas, *Odysseus* 7: γυναῖκα δίδωσί σοι, καθάπερ ἐπέστευλας.

καθάπερ A: ὥσπερ X.

Alkidamas, *Odysseus* 8: νῦν δὲ ἐν τῷ θορύβῳ ἔλαθεν αὐτὸ Τεῦκρος ἀποτοξεύσας.

ἀποτοξεύσας A: ἀπολέσας X.

Alkidamas, *Odysseus* 9: οὐδεὶς ἡμῶν εἶδεν ἔχοντα τοῦτον σημεῖον ἐν τῇ ἀσπίδι.

ἔχοντα τοῦτον A: τοῦτον ἔχοντα X.

Alkidamas, *Odysseus* 15: ἰδὼν δὲ ὁ Ἡρακλῆς τὴν παῖδα ἐν τῷ νεῷ ὑπὸ μέθης συνεγένετο. ἔπει δὲ κύουσιν αὐτὴν ὁ πατὴρ ἦσθετο Ἄλεως, μεταπέμπεται τὸν τούτου πατέρα, πυθόμενος πορθμέα τε εἶναι αὐτὸν καὶ δεινόν.

νεῷ X: ἱερῷ A.

ὁ πατὴρ ἦσθετο A: ἦσθετο ὁ πατὴρ X.

εἶναι αὐτὸν A: αὐτὸν

εἶναι X.



Alkidamas, *Odysseus* 22: φάσκων τάξεις ἐξηγηκέναι πολεμικάς.

τάξεις ἐξευρηκέναι A: ἐξευρηκέναι τάξεις X.

Alkidamas, *Odysseus* 24: καὶ τὰ ἐπὶ τῷ μνήματι αὐτοῦ δηλοῖ ἐπιγράμματα.

καὶ ἐπὶ τῷ μνήματι αὐτοῦ δηλοῖ τὰ ἐπιγράμματα A.

V

If it is agreed that A and X do exhibit the features to which I have pointed in *Helen* and *Odysseus*, can it be concluded that they are likely to exhibit the same features in the other works which they contain? In other words, are they really features of the copyists of A and X, which these two copyists are likely to have shown in everything they copied; or are they features of two earlier manuscripts of *Helen* and *Odysseus*, of which one was the exemplar of A and the other the exemplar of X, which may be quite distinct from the exemplars from which A derived Antiphon, Andokides, and the rest, and from which X derived Lysias?

In the case of A, the first answer is the right one; the characteristics which I have ascribed to the copyist of A are his characteristics, and not merely characteristics of one of his predecessors. I have argued that A does not, in *Helen* and *Odysseus*, contain transpositions of words within a phrase, or paraphrases giving a meaning similar to the correct text, or conjectures designed to make sense out of nonsense. If it is true that A does not contain these kinds of mistake in *Helen* and *Odysseus*, it follows that the scribe of A (and not merely his predecessors) has avoided these kinds of mistake in *Helen* and *Odysseus*, and so probably avoided them also in all the other texts he copied.

So editors of Antiphon, Andokides, Isaios, and the other authors contained in A can, I think, be confident that the scribe of A has not introduced mistakes of these kinds into their texts. But of course that is no guarantee that mistakes of these kinds have not got into the texts of those authors at earlier stages in their various traditions. I do not claim, for instance, that A's text of Antiphon contains no transpositions of words within a phrase, but only that, if it does contain such transpositions, they are likely to be the fault not of the copyist of A but of one of his predecessors.

With X, the position is rather different. I have argued that X exhibits certain kinds of mistake in *Helen* and *Odysseus*. Whether these mistakes are due to the actual copyist who is responsible for X or to a predecessor, at any rate it seems likely that they are due to one copyist, and that they originated at a time when these two works were grouped together in a single manuscript.

Now consider the order in which works are arranged in X. (I have compiled this list from pages iii and iv of Hude's Oxford text of Lysias.)

Lysias 1 and 2

Alkidamas, *On Sophists* and *Odysseus*.

Antisthenes, *Aias* and *Odysseus*.

Demades, 'Υπὲρ τῆς δωδεκαετίας.

Lysias 3-31.

Gorgias, *Helen*.

This is an odd order, since it splits up the works of Lysias. It evidently dates from the time when these works were first collected into a single volume.

Considerations of logic or the reader's convenience have not caused the order to be changed at any later stage. I suggest that any predecessor of X which contained both Alkidamas, *Odysseus* and Gorgias, *Helen* is likely also to have contained Antisthenes, Demades, and Lysias 3-31. If this were not the case, and Alkidamas, *Odysseus* and Gorgias, *Helen* appeared together in a predecessor of X which did not contain also Antisthenes, Demades, and Lysias 3-31, we should have to suppose that a scribe copied Alkidamas, *Odysseus* from one manuscript, then turned to another or others for Antisthenes, Demades, and Lysias 3-31, and then went back to the first for Gorgias, *Helen*; but this is not a likely procedure.

A conclusively proved answer to this problem is beyond reach. But I think it is at least a reasonable guess that the kinds of mistake which I have attributed to X in *Helen* and *Odysseus* originated not earlier than the time when these two were grouped in a single manuscript with Antisthenes, Demades, and Lysias 3-31, and that we must therefore expect to find the same kinds of mistake in all these works.

Whether this applies also to Lysias 1 and 2 and Alkidamas, *On Sophists* is doubtful. It is possible, for example, that X is a copy of two exemplars, one containing Lysias 1 and 2 and *On Sophists*, and the other all the other works, and that the kinds of mistake I have pointed out are due to the second of these two exemplars. There are, however, two passages in *On Sophists* which suggest that it too may contain these kinds of mistake.

Alkidamas, *On Sophists* 18: ἐν δὲ τοῖς γραπτοῖς λόγοις καὶ τῶν ὀνομάτων [καὶ τῶν ἐνθυμημάτων] καὶ συλλαβῶν ἀναγκαῖόν ἐστι ποιῆσθαι τὴν μνήμην καὶ τὴν μάθησιν ἀκριβῆ.

καὶ τῶν ἐνθυμημάτων del. Dobree, ante καὶ τῶν ὀνομάτων transp. Sauppe.

Sauppe's solution may well be the right one.

Alkidamas, *On Sophists* 34: ἔτι δὲ καὶ τὴν γνώμην εὐλυτον καὶ τὴν μνήμην εὐπορον καὶ τὴν λήθην ἀδελον καθεστάναι βούλεται.

τὴν γνώμην εὐλυτον καὶ τὴν μνήμην εὐπορον Blass: τὴν γνώμην εὐπορον καὶ τὴν μνήμην εὐλυτον X.

The expression εὐπορος ἢ μνήμη appears in 19, and εὐλύτῳ τῇ τῆς ψυχῆς ἀγχνοίᾳ in 16. It is therefore quite likely that Blass is right.

## VI

I conclude by adding some comments on a miscellaneous collection of other passages, taken from all four works attributed to Gorgias and Alkidamas.

Gorgias, *Helen* 2: ἐγὼ δὲ βούλομαι λογισμὸν τινα τῷ λόγῳ δοῦς τὴν μὲν κακῶς ἀκούουσιν παῦσαι τῆς αἰτίας, τοὺς δὲ μεμφομένους ψευδομένους ἐπιδείξας καὶ δείξας τάληθές [ἦ] παῦσαι τῆς ἀμαθίας.

ἐπιδείξας καὶ δείξας Blass: ἐπιδείξαι καὶ δείξαι AX. ἦ del. Blass: καὶ ap. τε in margine X.

I should prefer to read ψευδομένους ἐπιδείξαι, καὶ δείξαι τε τάληθές καὶ παῦσαι τῆς ἀμαθίας. This involves less emendation than Blass's version, and

it gives a more balanced (and thus more Gorgianic) sentence. For confusion of  $\eta$  and  $\kappa\alpha\iota$ , compare, for example, And 1. 78, Is. 5. 5, D. 3. 27.  $\tau\epsilon$  may easily have slipped out by haplography before  $\tau\acute{\alpha}\lambda\eta\theta\acute{\epsilon}\varsigma$ .

Gorgias, *Helen* 3:  $\acute{o}$   $\mu\acute{\epsilon}\nu$   $\delta\iota\acute{\alpha}$   $\tau\acute{o}$   $\epsilon\iota\acute{\nu}\alpha\iota$   $\epsilon\delta\omicron\varsigma\epsilon\nu$ ,  $\acute{o}$   $\delta\acute{\epsilon}$   $\delta\iota\acute{\alpha}$   $\tau\acute{o}$   $\phi\acute{\alpha}\nu\alpha\iota$   $\eta\lambda\acute{\epsilon}\gamma\chi\theta\eta$ .

$\eta\lambda\acute{\epsilon}\gamma\chi\theta\eta$  AX:  $\acute{\epsilon}\lambda\acute{\epsilon}\chi\theta\eta$  ap.

'The one (Zeus) was believed to be (Helen's father) because he actually was, the other (Tyndareus) was said to be because he claimed he was.' This must be the sense, a contrast between what people said and what they thought; and so  $\acute{\epsilon}\lambda\acute{\epsilon}\chi\theta\eta$  must be right.  $\eta\lambda\acute{\epsilon}\gamma\chi\theta\eta$  is translated by Diels-Kranz 'die Fama trog', but it cannot mean this. If right, it would have to mean something like 'he was proved not to be because he claimed he was'; but  $\delta\iota\acute{\alpha}$  would then be absurd.

Gorgias, *Helen* 6:  $\epsilon\iota$   $\omicron\upsilon\acute{\nu}$   $\tau\eta$   $\tau\acute{\upsilon}\chi\eta$   $\kappa\alpha\iota$   $\tau\omega$   $\theta\epsilon\omega$   $\tau\eta\nu$   $\alpha\iota\tau\acute{\iota}\alpha\nu$   $\alpha\nu\alpha\theta\epsilon\tau\acute{\epsilon}\omicron\nu$ , [ $\eta$ ]  $\tau\eta\nu$   $\epsilon\lambda\acute{\epsilon}\nu\eta\nu$   $\tau\eta\varsigma$   $\delta\upsilon\sigma\kappa\lambda\epsilon\iota\alpha\varsigma$   $\acute{\alpha}\pi\omicron\lambda\upsilon\tau\acute{\epsilon}\omicron\nu$ .

$\eta$  del. Dobree.

Read  $\eta$ . See Denniston, *The Greek Particles*<sup>2</sup>, p. 281, for  $\eta$  at the beginning of an apodosis. Similarly in Ant. 5. 91 a speaker uses  $\eta$  to introduce the conclusion which he wishes the jury to draw from his argument:  $\omicron\pi\omicron\nu$   $\upsilon\mu\acute{\iota}\nu$   $\tau\omicron\iota\varsigma$   $\acute{\epsilon}\xi\alpha\pi\alpha\tau\eta\theta\epsilon\iota\varsigma$   $\mu\epsilon\tau\epsilon\mu\acute{\epsilon}\lambda\eta\sigma\epsilon\nu$ ,  $\eta$   $\kappa\alpha\iota$   $\pi\acute{\alpha}\nu\upsilon$   $\tau\omicron\iota$   $\chi\rho\eta\nu$   $\tau\omicron\upsilon\varsigma$   $\gamma\epsilon$   $\acute{\epsilon}\xi\alpha\pi\alpha\tau\omega\nu\tau\alpha\varsigma$   $\acute{\alpha}\pi\omicron\lambda\omega\lambda\acute{\epsilon}\nu\alpha\iota$ .

Gorgias, *Helen* 11:  $\epsilon\iota$   $\mu\acute{\epsilon}\nu$   $\gamma\acute{\alpha}\rho$   $\pi\acute{\alpha}\nu\tau\epsilon\varsigma$  . . . ,  $\omicron\upsilon\kappa$   $\acute{\alpha}\nu$   $\acute{o}\mu\omicron\iota\omega\varsigma$   $\acute{o}\mu\omicron\iota\omicron\varsigma$   $\eta\nu$   $\acute{o}$   $\lambda\acute{o}\gamma\omicron\varsigma$ ,  $\omicron\iota\varsigma$   $\tau\grave{\alpha}$   $\nu\acute{\upsilon}\nu$   $\gamma\epsilon$   $\omicron\upsilon\tau\epsilon$  . . .  $\epsilon\upsilon\pi\acute{o}\rho\omega\varsigma$   $\acute{\epsilon}\chi\epsilon\iota$ .

$\eta\nu$  A:  $\acute{\omega}\nu$  X.  $\omicron\iota\varsigma$  Diels:  $\eta$  A:  $\epsilon\iota$  X<sup>1</sup>:  $\eta$  X<sup>2</sup>:  $\acute{\epsilon}\pi\epsilon\iota$  Sauppe.  $\acute{o}\mu\omicron\iota\omicron\varsigma$   $\acute{\omega}\nu$   $\acute{o}$   $\lambda\acute{o}\gamma\omicron\varsigma$   $\eta\pi\acute{\alpha}\tau\alpha$   $\nu\acute{\upsilon}\nu$   $\delta\acute{\epsilon}$  Blass.

Blass is very ingenious, but I should prefer to keep as close as possible to A, and read  $\acute{o}\mu\omicron\iota\omicron\varsigma$   $\eta\nu$   $\acute{o}$   $\lambda\acute{o}\gamma\omicron\varsigma$ :  $\eta$   $\tau\grave{\alpha}$   $\nu\acute{\upsilon}\nu$   $\gamma\epsilon$ : '... would not be as widespread as it is; as things are, it is certainly not easy . . . ' S. Ant. 484 similarly begins a sentence  $\eta$   $\nu\acute{\upsilon}\nu$  . . . , with no other connective particle.

Gorgias, *Helen* 16:  $\iota\sigma\chi\upsilon\rho\acute{\alpha}$   $\gamma\acute{\alpha}\rho$   $\eta$   $\sigma\upsilon\nu\eta\theta\epsilon\iota\alpha$   $\tau\omicron\upsilon$   $\nu\acute{o}\mu\omicron\nu$   $\delta\iota\acute{\alpha}$   $\tau\omicron\nu$   $\phi\acute{o}\beta\omicron\nu$   $\acute{\epsilon}\xi\omega\kappa\acute{\iota}\sigma\theta\eta$   $\tau\omicron\nu$   $\acute{\alpha}\pi\omicron$   $\tau\eta\varsigma$   $\acute{o}\psi\epsilon\omega\varsigma$ ,  $\eta\tau\iota\varsigma$   $\acute{\epsilon}\lambda\theta\omicron\upsilon\sigma\alpha$   $\acute{\epsilon}\pi\omicron\iota\eta\sigma\epsilon\nu$   $\acute{\alpha}\mu\epsilon\lambda\eta\sigma\alpha\iota$   $\kappa\alpha\iota$   $\tau\omicron\upsilon$   $\kappa\alpha\lambda\omicron\upsilon$  . . .

$\sigma\upsilon\nu\eta\theta\epsilon\iota\alpha$  Diels:  $\acute{\alpha}\lambda\eta\theta\epsilon\iota\alpha$  AX.  $\acute{\epsilon}\xi\omega\kappa\acute{\iota}\sigma\theta\eta$  Reiske:  $\epsilon\iota\sigma\omega\kappa\acute{\iota}\sigma\theta\eta$  AX.  $\acute{\alpha}\mu\epsilon\lambda\eta\sigma\alpha\iota$  Bekker:  $\acute{\alpha}\sigma\mu\epsilon\nu\acute{\iota}\sigma\alpha\iota$  AX.

Read  $\eta$   $\acute{\alpha}\mu\epsilon\lambda\epsilon\iota\alpha$   $\tau\omicron\upsilon$   $\nu\acute{o}\mu\omicron\nu$  . . .  $\epsilon\iota\sigma\omega\kappa\acute{\iota}\sigma\theta\eta$ , which involves less alteration of the manuscripts' reading. A noun is followed by its related verb in the next clause, as elsewhere in Gorgias, e.g. *Helen* 1:  $\acute{\epsilon}\pi\alpha\acute{\iota}\nu\omega$  . . .  $\mu\omega\mu\omicron\nu$  . . .  $\mu\acute{\epsilon}\mu\phi\epsilon\sigma\theta\alpha\iota$  . . .  $\acute{\epsilon}\pi\alpha\iota\nu\acute{\epsilon}\iota\nu$ . For the metaphorical use of  $\epsilon\iota\sigma\omega\kappa\acute{\iota}\zeta\omega$ , compare Pl. *Rep.* 424 d:  $\eta$   $\gamma\omicron\upsilon\nu$   $\pi\alpha\rho\alpha\nu\omicron\mu\acute{\iota}\alpha$  . . .  $\kappa\alpha\tau\grave{\alpha}$   $\sigma\mu\iota\kappa\rho\acute{o}\nu$   $\epsilon\iota\sigma\omega\kappa\iota\sigma\alpha\mu\acute{\epsilon}\nu\eta$   $\eta\rho\acute{\epsilon}\mu\alpha$   $\upsilon\pi\omicron\rho\rho\epsilon\acute{\iota}$   $\pi\rho\acute{o}\varsigma$   $\tau\grave{\alpha}$   $\eta\theta\eta$   $\tau\epsilon$   $\kappa\alpha\iota$   $\tau\grave{\alpha}$   $\acute{\epsilon}\pi\iota\tau\eta\delta\epsilon\upsilon\mu\acute{\alpha}\tau\alpha$ .

Gorgias, *Helen* 19:  $\acute{o}\varsigma$  (sc.  $\acute{\epsilon}\rho\omega\varsigma$ )  $\epsilon\iota$   $\mu\acute{\epsilon}\nu$   $\theta\epsilon\acute{o}\varsigma$   $\langle\acute{\omega}\nu$   $\acute{\epsilon}\chi\epsilon\iota\rangle$   $\theta\epsilon\acute{\omega}\nu$   $\theta\epsilon\acute{\iota}\alpha\nu$   $\delta\acute{\upsilon}\nu\alpha\mu\iota\nu$ ,  $\pi\acute{\omega}\varsigma$   $\acute{\alpha}\nu$   $\acute{o}$   $\eta\sigma\omega\nu$   $\epsilon\iota\eta$   $\tau\omicron\upsilon\tau\omicron\nu$   $\acute{\alpha}\pi\omega\sigma\alpha\sigma\theta\alpha\iota$   $\kappa\alpha\iota$   $\acute{\alpha}\mu\acute{\upsilon}\nu\alpha\sigma\theta\alpha\iota$   $\delta\upsilon\nu\alpha\tau\acute{o}\varsigma$ ;

$\acute{\omega}\nu$   $\acute{\epsilon}\chi\epsilon\iota$  add. Blass.  $\tau\omicron\upsilon\tau\omicron\nu$  A:  $\tau\omicron\upsilon\tau\omega\nu$  X.

Loss of  $\acute{\omega}\nu$   $\acute{\epsilon}\chi\epsilon\iota$  is not easily explained. I therefore prefer  $\acute{o}\varsigma$   $\epsilon\iota$   $\mu\acute{\epsilon}\nu$   $\theta\epsilon\acute{o}\varsigma$ ,  $\acute{\epsilon}\chi\omega\nu$   $\theta\epsilon\acute{\iota}\alpha\nu$   $\delta\acute{\upsilon}\nu\alpha\mu\iota\nu$ , which involves less alteration; and a second bird falling victim

to this stone is *θεῶν*, which conveys no sense not provided also by *θείαν*. *ἔστι* is easily understood, as, for instance, in *Helen* 8: *εἰ δὲ λόγος ὁ πείσας* . . .

Alternatively, S. Melikoff's version (an oral suggestion, reported by Diels-Kranz) is not impossible: *ὅς εἰ μὲν θεός, θεῶν θείαν δύναμιν πῶς ἂν ὁ ἥσσω ἐῖη τούτων* . . . But this is open to several small objections: the otiose *θεῶν* remains; the reference of *τούτων* (presumably love and Helen's soul) is not obvious; *πῶς* comes less naturally as fourth than as first word of its clause. For these reasons I slightly prefer my own suggestion.

Gorgias, *Palamedes* 9: *πῶς δ' ἂν <εἰς> ἐκόμισεν; ἦ πολλοί; πολλῶν γὰρ κομιζόντων* . . . , *ἐνὸς δὲ κομίζοντος* . . .

*εἰς* add. Keil.

Better both stylistically and palaeographically is: *πῶς δ' ἂν ἐκόμισεν ἦ <εἰς ἦ> πολλοί;*

Gorgias, *Palamedes* 12: *ἦ δὲ πρᾶξις πῶς <ἂν> ἐγένετο;*

*ἂν* add. Blass.

*ἂν* is no more necessary here than with *ἐκόμισαν* in 10 or *ἔπραττον* in 11.

Gorgias, *Palamedes* 15: *πολλῶν γὰρ δέονται χρημάτων οἱ πολλὰ δαπανῶντες, ἀλλ' οὐχ οἱ κρείττονες τῶν τῆς φύσεως ἡδονῶν, ἀλλ' οἱ δουλεύοντες ταῖς ἡδοναῖς.*

*ἀλλ' οὐχ* Blass: *οὐχ* A.

The apparatus of Diels-Kranz is misleading. No attempt has been made in A to delete the words *οὐχ οἱ*. There is an erasure between *δαπανῶντες* and *οὐχ*. It is not possible to see what was written there before the erasure was made, but the space is of a suitable size to accommodate *ἀλλ'*.

A's reading is no doubt right. No connective particle is required with *οὐχ*; compare, for example, 36, Ar. *Frogs* 970. The scribe may have written *ἀλλ'* here because his eye slipped to *ἀλλ'* in the following line. But whatever he wrote he erased it, and there is no reason to deny that his motive for making the erasure was that he found, on making a subsequent check, that the word he had written was not in his exemplar.

Gorgias, *Palamedes* 17: *πᾶσι γὰρ ὁ γε προδότης πολέμος, τῷ νόμῳ, τῇ δίκῃ, τοῖς θεοῖς, τῷ πλήθει τῶν ἀνθρώπων· τὸν μὲν γὰρ νόμον παραβαίνει, τὴν δὲ δίκην καταλύει, τὸ δὲ πλήθος διαφθείρει, τὸ δὲ θεῖον ἀτιμάζει. ᾧ δὲ τοιούτος <ὁ> βίος περὶ κινδύνων τῶν μεγίστων, οὐκ ἔχει ἀσφάλειαν.*

*μὲν γὰρ* Diels: *μὲν γε* A. *ᾧ δὲ τοιούτος <ὁ> βίος* Diels: *τῷ δὲ τοιούτῳ βίῳ* A. *οὐκ* Diels: *οὐδ'* A.

*γε* needs no emendation. See Denniston, *The Greek Particles*<sup>2</sup>, p. 160.

In the second sentence, read: *τῷ δὲ τοιούτῳ βίῳ περὶ κινδύνων τῶν μεγίστων, οὐδ' ἔχει ἀσφάλειαν*, 'The man who acts in this way has a life . . .'. This gives a perfectly satisfactory sense with less alteration of the manuscript reading than Diels inflicts on it. *οὐδέ* as a connective without a preceding negative is an Ionicism which Gorgias may well have used; compare Denniston, *The Greek Particles*<sup>2</sup>, pp. 190-1, and also Alkidamas, *Odysseus* 8, an instance which Denniston omits.

Gorgias, *Palamedes* 26: βουλοίμην δ' ἂν παρὰ σοῦ πυθέσθαι, πότερον τοὺς σοφοὺς ἄνδρας νομίζει ἀνοήτους ἢ φρονίμους. εἰ μὲν γὰρ ἀνοήτους, καὶνὸς ὁ λόγος, ἀλλ' οὐκ ἀληθής.

καὶνὸς Sauppe: κενὸς A.

It is true that the scribe of A does sometimes confuse αἰ and ε, which were pronounced alike by his time; e.g. And. 2. 25, Is. 5. 31. But that is not a sufficient reason for emending κενὸς, which makes adequate sense. For κενὸς as the opposite of ἀληθής, compare D. 18. 150: κενῇ προφάσει ταύτη κατεχρῶ καὶ ψευδεῖ. For 'eliminative' ἀλλά, see Denniston, *The Greek Particles*<sup>2</sup>, pp. 1-2.

Gorgias, *Palamedes* 35: εἰ μὲν οὖν ἦν διὰ τῶν λόγων τὴν ἀλήθειαν τῶν ἔργων καθαρὰν τε γενέσθαι τοῖς ἀκούουσι <καὶ> φανεράν, εὖπορος ἂν εἴη κρίσις ἥδη ἀπὸ τῶν εἰρημένων.

τε Diels: γε A. καὶ add Diels.

Emendation is unnecessary, because A's reading makes good sense. καθαρὸς means 'unblemished'. The judges of Palamedes would have an easy task if they were told the whole truth and nothing but the truth. γε both emphasizes and limits: 'the truth of the affair—I mean, the whole truth'. One might expect τὴν γε καθαρὰν, but the article's omission shows that the adjective is 'predicative': 'become clear in an unblemished form'. It means practically the same as πᾶσαν, which likewise would not need to be preceded by the article; compare Th. 6. 87. 1: εἰρήκαμεν δ' ὑμῖν πᾶσαν τὴν ἀλήθειαν, 'we have told you the truth in full'. For the use of γε with this kind of adjective, compare X. *Sym.* 4. 54: ὅλας γε καὶ πάσας τὰς νύκτας.

Diels would make καθαρὰν part of the complement with γενέσθαι. But 'known' or 'obvious' is not a usual meaning of καθαρὸς, and to speak of truth becoming unblemished would be odd.

Gorgias, *Palamedes* 36: καὶ τὴν αἰτίαν φανεράν ἅπασις ὑμεῖς ἐξετε τῆς ἀδικίας, οὐχ ὁ κατηγορὸς· ἐν ὑμῖν γὰρ τὸ τέλος ἐν τῆς δίκης.

ἐν Diels: ἔχει A: ἐστὶ Reiske.

ἔχει can perfectly well be kept. 'He relies on you for achieving the fulfilment of his case.' With ἐν in this sense the present tense may be used for an event which strictly is still in the future; compare Pl. *Prt.* 324 c: ἐν τούτῳ γὰρ αὕτη λύεται ἢ ἀπορία ἦν σὺ ἀπορεῖς, ἢ ἄλλοθι οὐδαμοῦ, 'the difficulty relies on this for its solution'.

Alkidamas, *Odysseus* 11: οὗτος δὲ βέλη ἀνελόμενος πέντε [τοξεύειν], φανερός ἐστιν οὐδὲ ἐν πρὸς ὑμᾶς ἐνηνοχῶς.

τοξεύειν del. Sauppe.

Though *de nihilo nihilum* may not always be a reliable principle of textual criticism, still τοξεύειν is more plausibly explained if we assume that Alkidamas wrote either τοξευθέντα or τοξευθείς.

Alkidamas, *Odysseus* 18-19: Ἀλέξανδρος δὲ αὐτοῦ τὴν γυναῖκα ἐξαπατήσας, ἐκ τῶν οἰκῶν λαβὼν ὅσα πλείστα ἐδύνατο, ἀποπλέων ὥχετο . . . ἀφικόμενον

δὲ αὐτοῦ, <καὶ> πάλιν εἰς Ἀσίαν ἄγοντος τὰ χρήματα καὶ τὴν γυναῖκα, ἔστιν ὅπου ἀντελάβου τινὸς ἢ βοὴν ἐσήμηνας τοῖς περιοικοῖς ἢ βοήθειαν συνέλεξας ;  
καὶ add. Blass.

Blass's note on ἀφικομένου is 'scil. εἰς τὴν Ἑλλάδα (v. §17), quod fort. addendum est'. But there was no reason to raise an alarm when Paris arrived in Greece, but only when he departed with Helen. Read ἀποίχομένου δὲ αὐτοῦ πάλιν εἰς Ἀσίαν, ἄγοντος . . . These phrases sum up the account of Paris's departure in the previous sentence. I do not think that the perfect sense of ἀποίχομαι is an obstacle to the conjecture. 'He vanished over the horizon, and you did nothing about it.'

Alkidamas, *On Sophists* 6: τοὺς μὲν γὰρ τὰ χαλεπὰ τῶν ἔργων ἐπιτελοῦντας εἰκός, ὅταν ἐπὶ τὰ ῥάω τὴν γνώμην μεταστήσωσιν, εὐπόρως μεταχειρίσασθαι τὴν τῶν πραγμάτων ἀπεργασίαν τοῖς δὲ τὰ ῥάδια γεγυμνασμένοις ἀντίτυπος καὶ προσάντης ἢ τῶν χαλεπωτέρων ἐπιμέλεια καθίσταται.

The chiasmic arrangement of the sentence suggests that τὴν τῶν πραγμάτων ἀπεργασίαν is to be contrasted with τὰ χαλεπὰ τῶν ἔργων ἐπιτελοῦντας, and that instead of ἀπεργασίαν ('accomplishment', 'completion') we should perhaps read παρουργασίαν, 'performance of the secondary task' or 'accomplishment of the easy part of the task'. Compare 35, where almost the same comparison of written and impromptu speeches is made again: τοῦ δὲ γράφειν ἐν παιδιᾷ καὶ παρέρως (Benseler: πατέρως X) ἐπιμελόμενος. The form παρουργασία occurs nowhere else, but it is a natural formation; ἔργασία and other compounds (in Attic ἀπ- and ἐπ-; in later authors ἀν-, ἐξ-, ἐπεξ-, κατ-, περι-, προ-, συν-) are common enough. Compare also παρουργάτης λόγων in E. *Supp.* 426.

Alkidamas, *On Sophists* 13: πῶς οὐ χρή καὶ τῆς παιδείας ἐκείνην μάλιστα τιμᾶν, ἀφ' ἧς πρὸς τοῦτο τὸ γένος τῶν λόγων εὐπόρως ἔξομεν;  
ἀφ' ἧς ap.: ἀφ' οὗ X.

Read ἐκεῖνο . . . ἀφ' οὗ.

I am very grateful to Professor K. J. Dover for criticisms of an earlier draft of this article.

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DOUGLAS MACDOWELL



EURIPIDES, *TROADES* 636-40

ANDROMACHE is consoling Hecuba for the death of Polyxena, and lamenting her own ill fortune:

τὸ μὴ γενέσθαι τῷ θανεῖν ἴσον λέγω,  
τοῦ ζῆν δὲ λυπρῶς κρείσσον ἔστι κατθανεῖν.  
ἀλγεῖ γὰρ οὐδὲν † τῶν κακῶν ἡσθημένος† 638  
ὁ δ' εὐτυχῆσας ἐς τὸ δυστυχὲς πεσὼν  
ψυχὴν ἀλάτῃ τῆς πάροιθ' εὐπραξίας. 640

The first question here is the interpretation of line 638. Burges wrote: 'Constructio sic solvenda est: ἀλγεῖ γὰρ οὐδὲν, οὐδὲν ἡσθημένος τῶν κακῶν.' M. Parmentier in the Budé edition translates, 'On ne souffre pas quand on n'a nul sentiment de ses maux', likewise assuming that οὐδὲν is doing double work. For this he compares *Andromache* 706 f., *Electra* 383, and *Orestes* 393. None of these passages is in fact an example of how a negative can negative simultaneously a finite verb and a participle. But in any case, what is the subject of ἀλγεῖ? Burges supposed that a line was lost (ὁ δυστυχὴς μὲν ἔστιν εὐτυχὴς θανών); Parmentier does not explain his 'On'.<sup>1</sup> Paley commented: 'The meaning is, ὁ γὰρ κατθανὼν οὐκ ἀλγεῖ διὰ τὸ αἰσθάνεσθαι τῶν κακῶν, or perhaps, "after having known what misfortune is".' Now to understand ὁ κατθανών as subject is of course not impossible, though perhaps a little awkward. But there is still another and more important difficulty: what of the tense of ἡσθημένος? 'Mr. A. C. Pearson,' says Tyrrell, 'finding an objection in the tense of ἡσθημένος, proposed to read τῶν κακῶν δ' ἔσβη μένος. But ἡσθημένος does not necessarily imply any more than αἰσθανόμενος, and if it did we could understand, "having known what the ills of life are".' But the perfect participle can certainly not be regarded as equivalent to a present, while 'having known', etc., is on this interpretation somewhat otiose and contributes nothing to the contrast—which is certainly present, whatever it is taken to be—with the next two lines.

In lines 641-2 Andromache says that Polyxena 'is dead, as though she had never been born, and knows nothing of her woes'. This might be represented as a point in favour of the Paley-Tyrrell interpretation of τῶν κακῶν ἡσθημένος, and indeed may have been responsible for it. But (a) these lines suggest that Polyxena's woes (consisting in being dead) are of the *present*; and (b) even when making a generalization and applying it to a specific case, it seems unlikely that Euripides would repeat the same thought so precisely after an interval of only two lines.

What we may be given in this line, as Markland saw long ago, is not an allusion to the dead, but something contrasted in a different sort of way with the two subsequent lines. Markland suggests 'qui felicitatem non novit, is non dolet. Unde legendum suspiceris: ἀλγεῖ γὰρ οὐδὲν τῶν καλῶν ἡσθημένος; doletne is, qui felicitatem non novit?' But he rejects this as an 'interrogatio ab huius loci natura aliena', and goes on to suggest that two lines, in both of which οὐδὲν occurred, have been conflated into one, and that in the second of the two

<sup>1</sup> Wilamowitz, following Markland's suggestion (see below) that two lines had been conflated into one, conjectured:

ἀλγεῖ γὰρ οὐδὲν <δντιν' ἡ φύσασα γῆ  
ἐδέξατ', οὐδὲν> τῶν κακῶν ἡσθημένος.

οὐδὲν τῶν καλῶν ἡσθημένος was the reading. But the same sort of sense as that for which Markland looked can be obtained without difficulty from our text as it stands. Taking the participle, as Markland presumably did, to be used as a substantive (and for this usage cf. Verdenius in *Mnemosyne*<sup>4</sup>, x [1957], 295), I would translate: 'A man who has had experience of the ills of life has no grief, but he who has known prosperity, if he falls into misfortune, ψυχὴν ἀλάττει κτλ.' That is to say, it is not the man who is *used to* misfortune who really suffers, but the person who has known better days. What then is the force of γάρ? I suggest that Andromache is explaining what she means by ζῆν λυπρῶς, and in so doing is *ipso facto* giving her reason for affirming that death is preferable. The connexion of thought is: Death is nothingness; but death is preferable to a miserable life, for real misery means not simply misfortune, but misfortune *accompanied by* the bitter memory of former happiness. Polyxena is dead, as though she had never been born (line 641); but I aimed at εὐδοξία, *obtained* it in large measure, and *then* lost what I had won (lines 643-4). Thus we have, not a simple contrast between the perception and non-perception of woes, but three categories compared: those who are dead and know nothing, those who experience misfortune but are used to it, and those who have once prospered but have lost their prosperity. It is these last, including Andromache herself, who live truly λυπρῶς; and it is their life which Andromache considers worse than death, because of the bitter contrast between their present misfortune and their past prosperity. On this reading of the passage, the tense of ἡσθημένος is natural, and there is no need to make οὐδὲν do double work, or to 'supply' a subject for ἀλαττεῖ.

My second question is the interpretation of line 640. Paley translates: 'In his mind wanders (or strays away) far from his former prosperity.' He compares Pindar, *Ol.* i. 94 (εὐφροσύνας ἀλάττει), and remarks that 'as the point is the *memory* of past happiness, ψυχὴν is added to show wherein the distress lies, and what part of the rational man is primarily affected'. So Tyrrell: "'wanders away from", i.e. "loses", "is bereft of" . . . but the addition of ψυχὴν makes the phrase a little difficult, "in thought he loses his happiness", i.e. "he reflects on his lost happiness", "he misses his former happiness".' Now the combination of ψυχὴν with the 'wandering away' metaphor is certainly *very* difficult. Indeed we might seem to want 'goes back in his ψυχὴ to his former prosperity' rather than 'wanders away from it'. Furthermore, to say that one who has fallen from prosperity into misfortune loses his prosperity would of course be simply tautologous, so that on the Paley-Tyrrell interpretation the whole weight of our sentence must be found in ψυχὴν; and this is surely asking too much of an accusative of respect. I suggest that it is much more natural to take τῆς παροῦθ' εὐπραξίας as an ablative-genitive of cause (for the use of this genitive with words denoting grief or pain, see Kühner-Gerth, ii. i. 388), and the line as a whole to mean something like 'is distressed in his mind because of his former prosperity'. At Soph. *Aj.* 23 we have the verb used figuratively by itself, apparently in the sense of ἀπορούμεν: ἔσμεν γὰρ οὐδὲν τρανές, ἀλλ' ἀλώμεθα. Possibly in our passage (with ψυχὴν) it may have a stronger meaning, 'wanders in his mind', i.e. 'is distraught'. At least it should be capable of meaning 'is disturbed, distressed'; and in any case it seems clearly best to take the last part of the line as giving the cause.

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